

JOURNAL

OF

THE SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD

IN THE CITY OF TUSKALOOSA,

ON THE

FIRST MONDAY IN DECEMBER,

1841.

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TUSKALOOSA:

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1842.

# JOURNAL OF THE SENATE.

MONDAY, November 1, 1841.

On this, the 1st day of November, in the year of our Lord, one thousand eight hundred and forty-one, being the 1st Monday in said month, and the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, at the city of Tuscaloosa, the following members of the Senate, appeared in the Senate Chamber of the Capitol, and took their seats, to wit:

From the senatorial district composed of the }	
county of Benton,.....	JOHN R. CLARKE.
Autauga and Coosa,.....	DIXON HALL.
Cherokee and DeKalb,.....	ARTHUR FOSTER.
Clarke, Balkwin and Washington,.....	GERARD W. CREAGH.
Franklin, .....	BENJ. HUDSON.
Henry, Covington and Dale,.....	AUGUS McALLISTER.
Jackson, .....	THOMAS WILSON.
Lauderdale, .....	HUGH McVAY.
Lawrence, .....	HUGH M. RODGERS.
Limestone, .....	NATH. TERRY.
Lowndes,.....	JOHN S. HUNTER.
Macon and Tallapoosa,.....	SAM'L C. DAILEY.
Blount and Marshall,.....	MACE T. P. BRINDLEY.
Mobile,.....	THEOPHILUS L. TOULMIN.
Marion and Fayette,.....	B. W. WILSON.
Monroe and Conecuh,.....	S. S. ANDRESS.
Morgan and Walker, .....	MILTON McCLANAHAN.
Pickens, .....	PEYTON KING.
St. Clair and Jefferson,.....	W. K. BAYLOR.
Talladega, .....	F. G. McCONNELL.
Sumter,.....	JOHN E. JONES.
Randolph,.....	GEORGE REESE.
Tuscaloosa, .....	DENNIS DENT.
Dallas, .....	WM. S. PHILLIPS.
Shelby and Bibb,.....	DAN'L E. WATROUS.
Wilcox, .....	WALTER R. ROSS.
Greene,.....	H. I. THORNTON.
Madison,.....	D. B. TURNER.

On motion of Mr Reese, Mr Hudson was called to the chair, and George B.



Clitherall appointed Secretary pro tem. when the following Senators elected at the last general election, to wit: W. K. Baylor, W. R. Ross, W. S. Phillips, A. Foster, T. L. Toulmin, P. King, M. McClanahan, M. T. P. Brindley, H. McVay, J. L. Hunter and B. Hudson, were qualified and took their seats.

On motion the Senate proceeded to the election of President, the Hon. NATHANIEL TERRY alone being in nomination, received the whole number of votes given, was declared by the Chair, duly and constitutionally elected.

Mr Terry was then conducted to the Chair by Senators McConnell and Turner, from whence he made his acknowledgments, was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Secretary: Messrs JOHNSON J. HOOPER, B. A. PHILPOT and DAVID WOODRUFF, being in nomination

Those who voted for Mr Hooper are messrs Clarke, Dailey, Jones and Reese—4.

Those who voted for Mr Philpot are messrs Baylor, Brindley, Foster, Hall, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.—15.

Those who voted for Mr Woodruff, are messrs Andress, Creagh, Dent, Hunter, King, Phillips, Ross, Thornton and Watrous—9.

Mr Philpot having received a majority of the whole number of votes given, was declared by Mr President to be duly and constitutionally elected Secretary of the Senate, was qualified and entered upon the discharge of the duties of his office.

The Senate next proceeded to the election of an Assistant Secretary:—Messrs G. B. CLITHERALL, J. D. BAGBY, A. B. STEVENS, SEABORN WATTS and BAYLOR B. BARKER being in nomination.

Those who voted for Mr Clitherall, are messrs Andress, Baylor, Creagh, Dailey, Hudson, Jones, King, McAllister, Phillips, Reese, Ross, Rodgers, Terry, Toulmin and Thornton—15.

Those who voted for Mr Bagby are messrs McConnell and Wilson of F.—2.

Those who voted for Mr Stevens are, messrs Hall, Hunter and Watrous—3.

Those who voted for Mr Watts are messrs Brindley, Clarke, Foster and McClanahan—4.

Those who voted for Mr Barker, are messrs Dent, McVay, Turner and Wilson of J.—4.

Mr Clitherall having received a majority of the whole number of votes given, was declared by Mr President to be duly and constitutionally elected Assistant Secretary, was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Door Keeper: messrs A. R. THOMAS, C. C. DONOHUE, R. IVY, WM. MCKNIGHT and R. M. RODGERS being in nomination.

Those who voted for Mr Thomas are, messrs Andress, Hudson, Hunter, King, Phillips, Ross, Thornton and Watrous.

Those who voted for Mr Donohue, are messrs Dent, Foster, McConnell and McVay.

Those who voted for Mr Ivy, are messrs Baylor, Brindley, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Those who voted for Mr Rodgers are messrs Jones, Rodgers, Terry and Turner.

Neither having received a majority, the Senate proceeded to ballot a second time.

Those who voted for Mr Thomas are messrs Address, Hudson, Hunter, King, Phillips, Ross, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Dent, Foster, McConnell and McVay.

Those who voted for Mr Ivy are messrs Baylor, Brindley, Clarke, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Those who voted Mr Rodgers, are messrs President, Jones, Rodgers and Turner.

Neither having received a majority, the Senate proceeded to ballot a third time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Dent, Foster, McConnell and McVay.

Those who voted for Mr Ivy, are messrs Baylor, Brindley, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Those who voted for Mr Rodgers, are Mr President, Jones and Turner.

Neither having received a majority, the Senate proceeded to ballot a fourth time, the name of Mr Rodgers having been withdrawn.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Dent, Foster, Jones, McConnell and Wilson of F.

Those who voted for Mr Ivy are messrs Baylor, Brindley, Turner and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot a fifth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted for Mr Donoho, are messrs Baylor, Dent, Foster, Jones, McConnell, Turner and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Brindley, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot a sixth time. The name of Mr Ivy having been withdrawn.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted for Mr Donoho are messrs Baylor, Dent, Foster, Jones, McConnell, Turner and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Brindley,

Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot a seventh time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Baylor, Dent, Foster, Jones, King, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight are messrs President, Brindley, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the eighth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin. Neither having received a majority, the Senate proceeded to ballot a ninth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the tenth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers and Thornton.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority of the whole number of votes given, the Senate proceeded to ballot the eleventh time.

Those who voted for Mr Thomas are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the twelfth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Wilson of J.

Those who voted for Mr Donoho are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese, Toulmin and Watrous.

Neither having received a majority, the Senate proceeded to ballot the thirteenth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers and Thornton.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Watrous and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese, Toulmin and Wilson of J.

Neither having received a majority, the Senate proceeded to ballot the fourteenth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Ross, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, McConnell, Turner and Wilson of J.

For Mr McKnight: Messrs President, Clarke, Creagh, Daily, Hall, Jones, McAllister, McClanahan, Phillips, Reese, and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the fifteenth time.

Those who voted for Mr Thomas: are Messrs Andress, Hunter, King, McVay, Phillips, Ross, Rodgers, Watrous, and Wilson of J.

For Mr McKnight: Messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Hall, Jones, McAllister, McClanahan, Reese, and Toulmin.

For Mr Donoho: Messrs Andress, Dent, Foster, McConnell, Turner, Thornton, and Wilson of F.

Neither having received a majority, the Senate proceeded to ballot again, it being the sixteenth time.

Those who voted for Mr Thomas: are Messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, and Thornton.

For Mr Donoho: Messrs Baylor, Dailey, Dent, Foster, Jones, McConnell, Turner, Thornton, Wilson of F. and Wilson of J.

For Mr McKnight: Messrs President, Brindley, Clarke, Creagh, Hall, McAllister, McClanahan, Reese, and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the seventeenth time.

Those who voted for Mr Thomas: are Messrs Hudson, Hunter, McVay, Ross, and Watrous.

For Mr Donoho: Messrs Andress, Baylor, Brindley, Creagh, Dailey, Dent, Foster, Jones, King, McConnell, Phillips, Rodgers, Toulmin, Turner, Thornton, Wilson of F. and Wilson of J.—17.

For Mr McKnight: Messrs President, Clarke, Hall, McAllister, McClanahan, and Reese.

Mr Donoho, having received a majority of the whole number of votes given, was declared by Mr President, duly and constitutionally elected Door-keeper; was qualified, and entered upon the discharge of the duties of his office.

On motion of Mr Hudson: **RESOLVED**, that the standing rules, adopted for the government of Senate, at the last annual session, be adopted for the government of the Senate, during the present session, until otherwise ordered.

On motion of Mr Hudson: **RESOLVED**, that the chair appoint the usual standing committees of the Senate, and report the same as early as practicable.

On motion of Mr Wilson, of Jackson: **RESOLVED**, that the Door-keeper be



instructed to contract for, and furnish the Senate with stationery and fuel during the present session.

On motion of Mr Hudson: **RESOLVED**, that the House of Representatives be informed that a quorum of the Senate has convened in the Senate Chamber of the State Capitol,—have organized by electing the Hon. Nathaniel Terry, of Limestone, President; B. A. Philpot, of Morgan, Secretary; Major George B. Clitherall, of Greene, Assistant Secretary; and Mr C. C. Donoho, of Tuskaloosa, Door-keeper, and are now ready to proceed to the transaction of public business.

On motion of Mr Wilson, of F: **RESOLVED**, that the editors of all newspapers, printed in this State, be allowed to have seats within the bar of the Senate, as reporters.

On motion of Mr Hudson: **RESOLVED**, that a committee of three be appointed, to act with such committee as may be appointed on the part of the House, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses, and that they are now ready to receive any communication that he may think proper to make to them.

In accordance with the foregoing resolution, the chair appointed messrs Hudson, McVay, and Reese, said committee.

On motion of Mr Dent, the Senate then adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, NOV. 2, 1841.

The Senate met pursuant to adjournment, messrs Jefferson Buford, Senator from Barbour and Russell, and Jesse Womack, Senator from the district composed of the counties of Butler and Pike, appeared in the Senate chamber, and took their seats.

Mr President laid before the Senate the following communication :

UNIVERSITY OF ALABAMA, NOV. 2, 1841.

To the Honorable the Present of the Senate of the State of Alabama:

The senior class in the University of the State, will be under examination as candidates for degrees, on Wednesday, Thursday, and Friday, of this week. Hours of examination at 9 to 11 o'clock, A. M. and from 2 to 4 o'clock P. M. I beg leave respectfully, to invite you, and through you, the Honorable Senators individually, to attend; so far as public business and convenience may permit.

With high respect, your obedient servant,

B. MANLY, Pres. Uni. Ala.

Which was read, and on motion of Mr Reese, laid on the table.

On motion of Mr Phillips, the vote taken yesterday, on the adoption of the resolution, instructing the door-keeper, to contract for, and furnish the Senate with stationery and fuel during the present session, was reconsidered.

Mr Hudson moved to strike out the words "stationery and" which prevailed, the question then recurred upon the adoption of the resolution as amended; which was carried.

The following message was received from the House of Representatives, by Mr Tunstall:

Mr President—The House of Representatives have adopted the following resolution. **RESOLVED**, that the Senate be informed that the House of Representatives have organized by electing the Hon. David Moore, Speaker; T.

B. Tunstall, Clerk; Algernon Cook, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk; James H. Owen, Door-keeper; and Crockett Davis, Messenger; and are now ready to proceed to business. The House of Representatives have also concurred in the resolution of the Senate, proposing to appoint a committee, to act with such committee as may be appointed on the part of the House of Representatives, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses of the General Assembly, and are now ready to receive any communication which he may think proper to make; whereupon messrs Reynolds, McAlpin of G. and Hogan, were appointed said committee.

Mr Hudson presented the account of John P. Lamb, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Hall presented the petition of sundry citizens of the county of Autauga, the reading of which was dispensed with, and on motion, referred to the committee on privileges and elections.

Mr Hudson from the committee appointed on the part of the Senate, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses, and that they were ready to receive any communication which he might think proper to make; reported that the committee had performed the duty assigned them, and received for answer, that his annual communication would be submitted on this day, at 11 o'clock, A. M.

Mr McConnell presented the memorial of Robert Douglass, which was referred to the committee on the judiciary.

On motion of Mr Turner: **RESOLVED**, that the committee on the State Bank, be instructed to inquire into the expediency of repealing an act entitled an act, to pay directors of the State Bank and its several Branches.

On motion of Mr Dent: **RESOLVED**, that the door-keeper be authorised to have printed, a sufficient number of copies of the rules adopted for the government of the Senate, and that each Senator be furnished with a copy of the same.

On motion of Mr Reese: **RESOLVED**, that a committee be appointed to revise and report rules for the government of the Senate; whereupon messrs Reese, McClanahan, and Dent, were appointed said committee.

Mr Hudson introduced a bill, to be entitled an act, to compel the judge of the county court of the county of Franklin, to reside at, or within three miles of the court-house; which was read the first time, and the constitutional rule being dispensed with, it was read a second time forthwith.

On motion of Mr Phillips, the bill was amended, by striking out the word thirty, where it occurs, and inserting in lieu thereof, the word sixty.

Mr Andress moved further to amend, so as to make it read counties of Franklin and Monroe; which was carried.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr McConnell: **RESOLVED**, that the chairman of the State Bank committee be instructed to inquire of the cashiers of the State Bank and Branches, if the salaries of any of the officers have been increased during 1841, if so, what amount, and for what services, and whether their usual salary was still being paid, with leave to report by bill or otherwise.

Mr President announced the following Standing Committees;

ON PROPOSITIONS AND GRIEVANCES—Messrs McVay, Andress, Creagh, Turner, and Clarke.

ON PRIVILEGES AND ELECTIONS—Messrs Wilson, of F., McAllister, Dent, Watrous, Reese, McClanahan and Ross.

ON ENROLLED BILLS—Messrs Jones, Ross, Wilson, of J., Rodgers and Womack.

ON THE JUDICIARY—Messrs Thornton, Baylor, Hunter, Foster, Hunter, Wilson, of F., Lea, Phillips, Buford, Alston, McConnell, Reese, Hudson, Turner, Jones, and Watrous.

ON INLAND NAVIGATION AND INTERNAL IMPROVEMENT—Messrs Lea, Reese, King, Baylor, Wilson, of F., McVay, Dailey, Phillips, Alston, and Oliver.

ON ROADS, BRIDGES AND FERRIES—Messrs Turner, Hudson, Ross, Brindley, King, and Clarke.

ON DIVORCE AND ALIMONY—Messrs Alston, Brindley, Watrous, Rodgers, Andress and Womack.

ON INDIAN EXPENDITURES—Messrs McAllister, McConnell, Dent, Dailey, Foster, Buford, and Reese.

ON STATE PRINTING—Messrs Creagh, Hudson, Foster, Rodgers, Turner, McAllister, Alston, and Dent.

ON THE PENITENTIARY—Messrs Hall, Reese, Oliver, Hudson, Brindley, Hunter and Watrous.

ON ACCOUNTS AND CLAIMS—Messrs Hudson, Hall, Jones, Creagh, Womack, Turner, and Alston.

ON RETRENCHMENT—Messrs Reese, Phillips, Jones, Thornton, Lea, King, and Rodgers.

ON COUNTY BOUNDARIES—Messrs McConnell, McAllister, Womack, Rodgers, Watrous and Dailey.

ON EDUCATION—Messrs Baylor, Oliver, Jones, King, Creagh, Hunter, Dent, Clarke, Dailey, and Buford.

ON THE STATE CAPITOL—Messrs Dent, McClanahan, Andress, Brindley, and Womack.

ON THE STATE BANK—Messrs Toulmin, Jones, Thornton, Dent, Turner, Hudson, Clarke, Oliver, McClanahan, Lea, and Baylor.

ON MILITARY AFFAIRS—Messrs McClanahan, Dent, Hall, Ross, McAllister, Buford and Creagh.

A Message was received from his Excellency the Governor, by J. D. Bagby, his Private Secretary, which is as follows, to wit:

EXECUTIVE DEPARTMENT,  
TUSCALOOSA, November 1st, 1841.

Gentlemen of the Senate,

and of House of Representatives:

Nothing is better calculated to illustrate the excellence and beauty of our representative system, than the recurrence of the seasons, and of events, by which the chosen representatives of a free people annually assemble, at the capitol of the State, for the purpose of making suitable returns for the confidence reposed in them, by the enactment of wise and salutary laws, and throwing additional safeguards around the essential rights of life, liberty and property. It is for these high purposes you are now assembled—and no doubt is entertained, that the elevated character and importance of the trust

confided to your patriotism, intelligence and virtue, will sufficiently admonish you of the solemn obligation you are under to perform the duties arising from that trust, with perfect fidelity. Tendering you my most cordial and respectful salutations, and repeating the assurance heretofore given, of my perfect readiness heartily to co-operate with you in all measures having a tendency to promote the public good—let us unite in supplicating the Divine Goodness to over-rule and direct all our proceedings in such a manner as to promote the best interests of the people of Alabama, and furnish an example worthy the imitation of after times.

In the history of the past year, nothing has occurred in our public affairs out of the ordinary course of events. Every branch of industry is likely to meet a corresponding reward; and it is a source of peculiar satisfaction to be enabled to remark, that, by a most praiseworthy and commendable system of frugality and industry, the people are rapidly extricating themselves from the pecuniary embarrassments almost necessarily and inseparably incident to a season of apparent prosperity, and of actual exertion, speculation and enterprise, like that through which we, in common with others, have recently passed. With annual and increasing exports of upwards of twenty millions of dollars, and with vast resources not yet fully developed, and, consequently unproductive, nothing is wanting but perseverance in the habits of industry so happily begun, and now in successful operation, to enable Alabama to progress rapidly in the onward march to the high rank she is destined to attain among the States of the American Union. To exalt her to that proud station, should be the incessant object of her public servants.

Under the act of the 9th of January, 1841, entitled "An act to wind up the land office at Courtland," I appointed Robert Fenner and R. B. Jones, Esq's, commissioners to make final settlement with the Register and Receiver, and with all other officers connected with said office, whose accounts were unsettled. This duty was promptly performed by the commissioners, and I am happy to be able to say that the business of said office had been conducted with perfect fidelity. The books and papers pertaining to the office, have, according to the provision of the act for winding up its affairs, been transferred to the office of the Secretary of State. The report of the commissioners will, no doubt, be communicated to you in due time: and as the act under which they were appointed made no provision for their compensation, it will become your duty to make a suitable provision upon that subject. The expense of transferring the books and papers from Courtland to the State Department was paid out of the contingent fund.

In fulfilment of the duty imposed on the Executive, by the act of the 9th January, 1841, entitled "An act in relation to the public arms," I completed the Board of commissioners created by the act for the erection of the State Capitol, by adding to the number John D. Phelan, Dennis Dent, and Jones M. Withers; and the commissioners, after the Board was organized, purchased a building already erected, in an eligible part of the city, for a State Arsenal, for three thousand dollars—provided the Legislature should sanction it. Fully satisfied that the commissioners consulted the interest of the State, in purchasing, rather than building, and that the house and lot purchased are richly worth the money agreed to be paid for them, I respectfully recommend that the contract be ratified by the Legislature, and that a further appropriation be made in order to pay for them, (including, of course, the portion of the



appropriation heretofore made and applied to that object.) A part of the former appropriation, as will be seen from the Comptroller's report, was reserved, by the commissioners, for the purpose of making the necessary repairs and alteration in the building purchased, to adapt it to the use intended to be made of it. Good and sufficient titles have already been executed to the State, to the property in question.

The act making it my duty to cause the camp equipage, furnished at the expense of the State, to be sold, in those brigades of Militia in which encampment drills have been abolished, has not been complied with. It occurred to me, on reflection, that the attempt to sell these articles would result, almost certainly, in nearly the entire loss of the amount expended in their purchase. I therefore considered that it would be better to have them brought to the seat of Government, and deposited in the public Arsenal, which is sufficiently capacious to hold them, and where they can be taken care of with very little additional trouble or expense. In order to prevent the further accumulation of expense on this subject, I caused an order to be issued on the 25th day of June, 1841, to prohibit the further purchase of articles of this description, at the expense of the State—and informing Brigadier Generals commanding brigades in which the encampment drills had not been abolished, and which were unfurnished with camp equipage, that they could be supplied from those in which camp equipage had been furnished, and in which the drills were abolished.

I have found it impracticable to sell the Reports of the Decisions of the Supreme Court, at the price fixed by the joint resolution of the 15th December, 1840—nor do I think it at all probable that all of them can ever be sold at that price. The truth is, that the number of some of the volumes now in the Library, greatly exceeds any demand likely to arise for them. I respectfully recommend to the General Assembly such further legislation upon the subject as, in their judgment, may be most likely to reimburse the amount expended in their publication. I have continued to deposite them with the booksellers in Tuscaloosa, to be sold on account of the State, in the same manner they were disposed of before the passage of the law above referred to.

In connection with this subject, I beg leave to bring to your notice, the propriety of providing for a new and more perfect Digest of the Laws of Alabama. Among other reasons for making this suggestion, it may be remarked, that the number of copies of the last edition is entirely exhausted, and that it was found necessary, after the last general election for county officers to purchase fifty copies of the Digest, in order to supply all the counties—which were paid for out of the proceeds of the sales of the Reports, as will be seen by reference to the account of J. Lacy & Co.

The building of the Penitentiary was completed and the keys delivered to the commissioners on the 27th ultimo.—The report of the commissioners will, in a few days, give you particular information in relation to the fulfilment of the contract, and the style and manner of the workmanship.

I look with confident expectation to this institution, as one likely to be productive of the most salutary effect, both in the prevention and punishment of crime; and, indeed, as the only system which can carry out that great principle of humanity and benevolence engrafted upon our Constitution, and which reflects imperishable credit upon its framers; which requires that our penal code shall be founded on principles of reformation, and not of vindic-

tive justice. The success and the salutary effects of this system, however must depend, in a great measure, upon the wisdom of the Legislature in adapting to each offence a punishment proportioned to its magnitude—taking care never to exceed, in the way of punishment, the bounds of enlightened and virtuous public opinion; for it may be affirmed of every country having the semblance of freedom, and especially of our own free and happy land, that penal enactments will never be carried into effect where, in the opinion of the great body of the people, they are too severe.

True policy, therefore, and a desire to see such laws as may be enacted carried into effect, should always induce us to lean to the side of clemency and moderation.

Inasmuch as I have but recently been officially informed, by the commissioners, of the completion of the building, I have not issued a proclamation giving effect and operation to the penal code. That will be done in a few days.

The Banking system of the State of Alabama, continues to be a subject of increasing solicitude and anxiety with the community at large, and will, I trust, commend itself to the early and diligent attention of the General Assembly. This system has been in operation eighteen years. In that time it has experienced all the vicissitudes of prosperity and adversity, to which a period of that duration subjects human institutions. It has passed through seasons of great prosperity, calculated to develope and unfold its abilities and usefulness; and it has experienced the wintry gale of adversity to a sufficient extent to test its energies, and the correctness of the principles on which it is founded. Aided by the full light of experience and intimate observation, through a long series of years, the grave and important questions now presented, for the deliberate consideration of the General Assembly, are, whether, upon a full and candid review of the operation and effect of this system upon the public interest, it has answered well the ends and the objects of its establishment, by furnishing a circulation of steady undepreciated value; affording a safe depository for the public funds—and furnishes a reasonable hope that it will, by the success of its operations, continue to pay the interest on the capital stock; and finally to reimburse that capital, for the payment of which the faith and credit of the State are solemnly pledged? However gratifying it might be to a just sense of patriotism and State pride, to be able to give an affirmative answer to all these questions, candor imperatively requires that most of them should be answered in the negative. For, although it is with pleasure admitted that the public funds committed to the custody and safe-keeping of the bank, and forming a part of the capital; the payment of the interest and redemption of the stock, depending as they do, upon the sure foundation of our plighted public faith, are beyond the reach of accident; it is no less true, that the present condition of the banks is not such as to afford satisfaction and encouragement to the community, either in regard to their past management or to inspire full confidence in their future success. The large amount of bad and doubtful debts—the enormous sums due from individuals, most of which will, in all probability, should the general bankrupt law go into effect, be settled in the compendious mode of schedule and affidavit,—and the fearful encroachment already made on the capital stock—are considerations well calculated to cast the most ominous conjectures on the success of the whole system.

Whether the failure of these institutions to realize the reasonable expectations of the public, is owing to defects inherent in the system, or is to be found in the manner of selecting the boards of directors, and in which they have managed the affairs of the banks, is the question now submitted for your candid, deliberate, determination. And upon the correct decision of that question, depends the fate of the banks, and the circulating medium of Alabama. If the defects are in the system, and are radical, they are admitted to be without remedy, and the system ought to be abandoned, at least as soon as a proper substitute could be provided. And I have no hesitation in declaring it as my settled opinion, that if the present mode of electing directors is to be continued, the sooner the State bank and branches are wound up the better. If, on the other hand, the defect lies in the manner in which the directors are elected, and in which the affairs of the banks have been conducted, it becomes the indispensable duty of the Legislature to apply the corrective, and to adopt such measures as will insure their better management hereafter. It has been my misfortune to differ with a majority of the Legislature, in relation to the manner of electing bank directors; and in relation to many important points of policy in the management of the banks. Whether the measures recommended by me would have been salutary in their operation, cannot, with certainty, be asserted; but that the course pursued by the Legislature has been most disastrous in its effects upon the banks, is, unfortunately, no longer a problem. But for the settled conviction resting on my own mind, that in the present state of society, a paper currency is indispensable, and can be only constitutionally furnished by the States, and not by the General Government, the discouragements I have experienced in endeavoring, so far as Alabama is concerned, to place the State banks on a better footing, would have induced me to abandon the present system altogether, and to have looked to some other expedient, within the purview of the constitution, as a substitute. And I still think, with entire respect for the opinion of others, that the State bank system is susceptible of being rendered a source of incalculable benefit to the people of Alabama. I believe further, that the State bank system is destined ultimately, under some modification or other, to furnish the paper circulation of this Union.

In reflecting upon such measures as would most likely tend to alleviate and improve the present condition of the banks, and enable them to regain a sound and healthy action, the following have occurred to me as most likely to be productive of that desirable result; and they are, therefore, with becoming deference, respectfully recommended for your consideration. Still satisfied, and even more deeply confirmed than ever, in the correctness of the opinion, that the present mode of electing directors is not only erroneous, but will prove fatal to the banks, if persevered in, I am of opinion that it should be changed, so as to make it the duty of the Governor to nominate double the number to be elected, and for the Senate, or the two Houses jointly, to select from that number the directors for each bank. The presidents should, I think, be elected as at present, by joint vote of the two Houses. I am also of opinion, that the number of directors should be reduced to two, and a president, for each bank; that they be paid a sufficient salary to secure the best financial talents; and that they be required to devote their constant time and attention to the business of the banks, until they are in a condition to resume specie payments. It will be proper also to adopt suitable measures to com-

pel punctual attention to their duties, and to punish them for negligence or malpractice in office.

No doubt it will be objected to the proposition to reduce the number of directors, that it is aristocratic to take power from a large and bestow it on a smaller number; and that the proposition to increase the compensation, is anti-republican in its tendency. These objections sound loftily in theory, and are strictly correct in practice. But the mistake, the entire mistake, consists in their application to the present case. Who ever heard of a man seeking the appointment of a bank director either from patriotic motives or for the distinction it confers? On the contrary, the accounts of many of the directors, from 1834 to 1837, prove that they were under the influence of a much more powerful motive than the love of country or the love of fame. And, even if it were otherwise, it may be safely affirmed that no greater or more fatal error has been, or can be, committed, in regard to the management of the banks, than that they ought to be conducted on what are usually termed popular principles. The office of bank directors certainly would be, of all others, the most desirable, if the capital of the bank was increased by being constantly used, and every man could be supplied with whatever amount his necessities required, whether he was able to pay it or not. But this not being the case, the capital being borrowed, no man ought to be permitted to borrow unless he be able and willing to pay. Equally delusive and ruinous to the banks, will be found the fanciful expectation of obtaining competent talents to manage the laborious and multifarious concerns of a banking institution, already extensively embarrassed, ably and successfully, without adequate compensation. It may be remarked, as a general rule, both in regard to public and private affairs, that those who are willing to labor for nothing, fall, most usually, under the denomination of hard bargains. This remark does not, of course, refer to offices which confer great political distinction, which are doubtless sought, in many instances, even at an entire sacrifice of every thing like pecuniary emolument, from a love of honest fame and the more ennobling feeling of patriotism. But, so far as our banks are concerned, experience furnishes ample testimony to the fact, that their present embarrassed condition is owing in a great measure to the election, in former periods, of directors, who accepted the situations without any stipulated compensation sufficient to compensate a man of ordinary capacity, with the fixed determination to compensate themselves. Volunteers certainly answer admirably in some departments of service; but experience has amply proved, that they are not always the appropriate corps from which to select bank directors. The most fatal tendency of the present course pursued, both in legislation and the management of the banks, is, that it will inevitably place them under the control of their debtors. Let this state of things be once accomplished, and it requires no participation in the spirit of prophecy to foretell that the best directed legislation afterwards will be of no avail.

Transacting a large portion of their business on long time, has also been a prolific source of evil to the banks, and one, the effect of which, they cannot much longer withstand. It is, therefore, respectfully suggested, that the banks be prohibited from discounting any promissory note having more than four months to run, and not to be renewed in any case; and from purchasing any bill of exchange having more than six months, secured by two good endorsers, and drawn against shipments of produce, at least to the amount of



the bill, or actual funds at the point where the bill is to be paid. The present amount of circulation, which is about seven millions, is believed to be entirely adequate to the sound business wants of the country, and ought not to be increased. It is particularly recommended to enlarge the discretionary powers of the directors in regard to the security and collection of debts; and to enable each bank to appoint a marshal, with the same powers, in all cases in which the bank is plaintiff, as are now exercised by the sheriffs of the respective counties throughout the State. The salary of the bank attorneys is entirely too low, and ought to be increased by law, or left to the board of directors, within a reasonable limit, beyond which they should not go.

I also consider it my duty, though I admit it is an unpleasant one, to recommend that the banks be relieved, at least for the present, from defraying the expenses of the State government. It is a maxim, that to tax and to please, any more than to love and be wise, is a difficult matter. But it is also true, that taxation, in some form or other, is indispensable to the support of government; and my own reflections long since led me to conclude, that if the amount was kept down to the actual wants of the government, the more directly it was paid the better. The people are then constantly sensible of the amount of the contribution exacted from them for the support of government; and they take care that they never exceed the amount absolutely necessary for its support, administered on the most economical scale. Whatever may be the correctness of this view, I have sufficient confidence in the patriotism and magnanimity of the people of Alabama, exhibited on so many occasions, to believe that they will submit cheerfully to the payment of a sufficient amount to defray the expenses of the State government; more especially when, by doing so, they will avert evils of greater magnitude. Indeed, I feel fully satisfied, that the people will not, for a moment, compromise their high claims to magnanimity, by leaning on the banks to defray the expenses of the State government, when those institutions are not in a situation to redeem their own notes. It were superfluous to remind the General Assembly, that taxation is, of all others, the most delicate operation of free government, and that in amount it ought to be kept down to an economical standard; and be so regulated, as to operate with as much equality as is attainable in human affairs.

The law setting apart \$200,000 annually, in aid of the valueless sixteenth sections, operates most injuriously on the interest and the business of the banks, and ought to be repealed. It is admitted that the appropriation of this sum is directed to a most commendable and desirable object; and if the banks were in the full tide of successful operation, I should not advocate the withdrawal of this appropriation; from an object dear to every patriot, and deeply interesting, if judiciously applied, to a part of the rising generation. But to be just before we are generous, is a maxim that holds as good in political, as in moral or legal, ethics; and, in the present condition of the banks, it is a departure from the straight pathway of common honesty, which is always the best policy, to require them to perform acts of individual accommodation or public munificence.

The various laws now in force for the relief of bank debtors, are believed to have been salutary in their operation, and, while they continue to be properly applied and enforced, need no alteration.

It is not improbable that some of the views I have submitted may appear unreasonable, and that some of the measures I have recommended may seem

to be harsh and rigorous. They have been reluctantly extorted from me by the condition of the banks, and a deep sense of the high and solemn obligations of official duty. And, permit me to add, in conclusion on this subject, that if the Legislature, in their wisdom, should be able to devise any other plan, more likely to effectuate the objects which I feel satisfied we have alike in view, it will receive my cordial sanction and approbation. Impelled by a constant desire to preserve the faith and credit of the State unimpaired; I have more than once recommended the propriety of providing a permanent and efficient sinking fund, for the redemption of our State bonds, and the extinguishment of our public debt; and I avail myself of the present occasion to express the hope, that the Legislature will keep this object steadily in view.

It is impossible to recur to our banking system, without being admonished, that it is based on borrowed capital, and that the faith and credit of the State are solemnly pledged for the payment of that capital. And Alabama owes it to herself; to her past history, every period of which is signalized by devotion to sound principles; she owes it to her future fame, and to the great and good men to whom she is indebted for the rich inheritance of a written constitution, to pursue such a course as will enable her at all times to redeem the obligations of her plighted faith with scrupulous fidelity.

There is another subject which inclination and duty alike, render it proper to bring to your notice. It will be recollected that, on the 1st day of January, 1841, the General Assembly passed a law establishing the general ticket system, in the election of members to Congress from the State of Alabama. At the time this law passed, the period for which the members of the House of Representatives had been chosen, under the district system had expired. In consequence of the Proclamation of the President of the United States, requiring Congress to convene on the 31st of May, it became necessary, either to convene the Legislature, or leave the people of Alabama unrepresented in the popular branch of the National Legislature. Under ordinary circumstances, appreciating the inestimable right of representation, I should have considered it proper; but in view of the difficulties then impending over the country, and which I regret to say have not been much diminished, all the promises of amendment, reformation, and relief to the contrary notwithstanding, I considered it my imperative duty to convene the Legislature, in order to provide for the emergency which had occurred. Considering the pains taken at the time to mislead the public judgment, as to the necessity which existed for convening the Legislature, it is proper to remark that no other alternative was left, but to convene the Legislature, or leave the State unrepresented in the House of Representatives, in the most unexampled crisis of our public affairs: The term for which members of the House of Representatives from this State had been elected, as before remarked, had expired—and, according to repeated decisions, as well as the most obvious suggestions of reason and common sense, the expiration of an official term does not create a vacancy, within the meaning of the constitution, to be filled by the Executive, but is a lapse of the office, which requires an act on the part of the legislative, or creative power in order to supply it, and continue its existence. It is to be hoped that those who declaimed at the time against the necessity for convening the Legislature, and insisted that a proper exercise of the Executive authority, would be sufficient to meet the emergency, and cause the State to be represented, were at least honest in their

opinions, and not influenced by a desire wilfully to mislead the public judgment.

On the 27th day of April, 1841, the Legislature passed an act for the election of members of the House of Representatives, under the new system, and to that law annexed a provision, submitting it to the people, to determine, at the general election in August, whether they were in favor of the district or general ticket system. The result of the popular vote upon this question, shows a small majority in favor of the district system.

It is not my purpose to inquire into the propriety of submitting this question to the people, before they could possibly have time to reflect upon the relative importance of the two systems, so as to determine correctly between them. On the contrary, it is distinctly admitted, that the will of the people, constitutionally expressed, constitutes the great rule of action for the government of the Legislature. Neither shall I attempt to derive any support to the general ticket law, from the fact that the entire popular vote was not given, upon this subject, by six or eight thousand votes. If the Legislature should be of opinion that this question was submitted on sufficient notice; and there is reason to believe that the true state of public opinion was expressed in the vote already referred to, it is imperative in its obligation on them to repeal the law—provided, such repeal does not, in their judgment, violate the constitution; and, even in that case, it would be the duty of such as could not vote for the repeal, without violating the constitution, to resign and give place to others; for I hold the true theory of representative government to be, that, whenever, upon full and ample understanding of any subject, the will of the constituent body is fairly ascertained and expressed, it is the duty of the representative to yield obedience to that will, or to resign its functions; otherwise the government would cease to be representative in its character. In the present instance, I do not believe there has been an authoritative expression of the popular will, and am, therefore, of opinion that the law ought to be repealed—especially, as no election for members of Congress can take place until after the next meeting of the Legislature. From the position I occupy in relation to this question, being the only chief Magistrate of Alabama that ever recommended it, and particularly from the motives then attributed to me, but to which time has sufficiently applied the corrective; I should be wanting in self-respect were I not to assert the opinion, sincerely entertained, that the general ticket system furnishes the only constitutional mode of electing members to the House of Representatives. In adopting this conclusion, I am not ignorant that the district system has received the sanction of a majority of the States of the Union, and, among them, many of those most distinguished for the wisdom of their public councils, and for the patriotism, intelligence and virtue of their public men—and if this question depended upon precedent, or the practice of other States, I should cheerfully relinquish my own views, no matter how deeply convinced of their correctness, and adopt those which prevail in a majority of the States. But this question does not depend upon precedent—it depends upon the proper construction of the constitution, and the true theory of representative government. If, then, it can be shown that this system is the one provided for in the constitution, and that it carries out in practice, and is the only one which can carry out in practice, the true theory of popular representative government, it becomes our duty to determine; that error, though

seen through the lapse of ages, sanctioned by time, and approved by the highest intelligence, is error still; and to preserve those sound rules of interpretation, and above all those cardinal principles, which lie at the foundation of the government.

The constitutional provision which governs and controls this question is in the following words: "Members of the House of Representatives shall be chosen every second year by the people of the several States; and the electors in each State shall possess the qualifications requisite for electors of the most numerous branch of the State Legislature." [Art. 1, Sec. 2, Constitution of the U. S.] This provision contains a clear and positive reservation of power, to the people of the several States, to choose members of the House of Representatives; and the only limitation or restriction upon this power is, that the electors shall possess the qualifications requisite for electors of the most numerous branch of the State Legislature. In order to understand correctly the nature and extent of this power, it will be necessary to recur for a moment to the history of the country, prior to the adoption of the constitution, and to inquire into the reasons which led to the adoption of that instrument, and the great rights intended to be secured by it. The grand moving cause which led to the revolution that separated this country from Great Britain, was the denial of the right of representation—a right which is asserted, in the most memorable declaration to be found in the recorded history of nations, to be "inestimable to freemen, and formidable to tyrants only." Who made this declaration? Who made this remarkable declaration? The people of the several States. Who were the actors in those desperate scenes of danger and glory that succeeded this declaration, and marked the progress of the revolution to that glorious consummation which presents the proudest achievement of human exertion? The people of the several States. Who, when the battles of the revolution were over, assembled, through their representatives, in solemn convention, for the purpose of casting the mould of a new government, and of testing the great and then untried experiment of man's capacity for self government? The people of the several States. And who, it may be asked, when the strifes and conflicts of the revolution were over, were entitled to have that great right, for which they had toiled and suffered through all the horrors of a seven year's war, secured to them in the amplest form? The answer is still the same; the people of the several States. That people who had borne the flag of an oppressed and bleeding country triumphantly through the bloody scenes of a thrice glorious revolution, and presented it untarnished to be planted on the ramparts of a written constitution. Hence we see, that in allotting rewards to those who best deserved them, and in placing power where it could best be wielded, the framers of the constitution declared, in the very first article of that instrument, that the members of the House of Representatives, that great citadel of freedom and of popular rights, should be "chosen every second year, by the people of the several States." What is meant by the people of a State? When historians or statesmen speak of the people of an empire, a nation or state, the common sense, and the universal usage and understanding of mankind, is, that they speak of the people of such empire, nation or state, in their aggregate, undivided character as a people. When the framers of the constitution spoke of the people of the several States, they meant those separate, independent political communi-



ues, which existed anterior to the adoption of the constitution, to whom we are indebted for all that is beautiful in the theory, or valuable in the practice, of the government under which we live. If, then, the reservation of power in the constitution, to choose representatives, be to the people of the several States, and if by the people of the several states, is meant the whole people, the right to choose the whole number of representatives to which the State is entitled, according to population and the ratio fixed by law, is given to the whole people. The error which seems to have prevailed on this subject, consists in supposing that the constitution of the United States confided to the State Legislatures discretionary power in relation to the choosing of members of Congress, and that in the election of members of the House of Representatives, it was competent for the Legislature to prescribe the qualifications of the electors and limit their right to choose. But this idea has not the semblance of a foundation in the constitution. The right to choose, the qualifications of the elected and the electors, and the time of service of the members, are all fixed by the constitution; and neither the Legislature nor Congress have the power to alter them. The only provision of the constitution, that gives the State Legislatures any power over this subject, is the following: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State, by the Legislature thereof; but the Congress may at any time alter such regulations, except as to the place of choosing Senators." [4 Sec. 5 Art. Con. U. S.]

What power does this section confer on the State Legislatures? The power to prescribe the times, places and manner of holding the elections, and nothing more. The reservation of power to the people is to choose representatives. The reservation of power to the State Legislature is to prescribe the times, places and manner of holding the elections—and it certainly cannot require an argument to point out the difference between them.

Neither is there conceived to be any soundness in the doctrine which prevails to a great extent, that both the two modes of electing members to Congress are constitutional. Either may be constitutional, but both cannot be; because their effect upon the elective franchise is entirely different. Under the general ticket system, a qualified voter in the State of New York would be entitled to vote for forty members of Congress, because he was one of an aggregate community whose numbers entitle them to that number of representatives. Whereas, a qualified voter in Pennsylvania, under the district system, would only be entitled to vote for one, although he possessed precisely the same qualifications that the voter in New York did, and derived his right to vote from the very same clause in the constitution. It never could have been the intention of the framers of the constitution, to authorise the practice of a system, which would operate with such gross inequality. They doubtless intended that the rule to be established should be uniform, and that a freeman, possessing the same qualifications in one State of the Union, should enjoy the same privileges that another freeman residing in a different State, should enjoy. If the object was to restrict the right of suffrage in the election of representatives to the narrowest possible limits, then the district system is the proper one. Under it no man has a right to vote for more than one representative. If, on the other hand, the object was to enlarge the horizon of freedom and of popular privileges to its fullest

extent, then the general ticket system is the proper one. Under it each qualified voter in the State is entitled to vote for the whole number of representatives to which the State is entitled; which is the fullest measure of liberty he can enjoy. It is for the legislature to determine whether they will confine the people of the States within the narrowest possible limits, by confining them to districts and restricting their right to a single member; or whether they will secure to them the highest degree of liberty they are capable of exercising under the constitution, and allow them to vote for the whole number.

There is another point of view in which this subject may be placed, which renders it one of vast, not to say vital, importance to the rights and to the States. Whatever may be the power of the State Legislatures over the election of members of the house of representatives, that power is liable, at any moment, to be exercised by Congress. Congress may, according to the constitution, at any time alter whatever regulations the State Legislatures may make on this subject. Suppose then, the district system to be correct, and that Congress should exercise the power, which they may, at any time. What, I ask, would become of the security, of the rights of the people, and the sovereignty of the States, when the general government has the power to lay off districts in such a manner as to ensure a compliance with the views of that government, in all instances whatever. The only country under the sun in which this system of electing representatives by geographical limits has prevailed to the full extent, was revolutionary France. There the whole nation was divided into districts, (departments,) and it was equally easy to elect a priest or assassin from either, whichever was most likely to answer the purposes of a furious and unbridled despotism. But, let the general ticket system be established, and all that Congress can do is simply to declare the time, place and manner of holding the elections. It will not be expected that in a communication like this, I should notice all the arguments that have been employed in opposition to this measure; and much less that I should attempt to answer them. I shall notice only those that have been urged with most zeal.

Among the objections to this measure entitled to the most weight is the one, that it will give undue weight and influence in the house of representatives, to the large and popular States. If this measure involved no higher principle than a mere scramble for power, this view of it might be encouraged and possibly sustained. But popular liberty is not a commodity to be measured out with a stinted hand, or defined by geographical limits—it inheres and belongs to men. According to the true theory of our government, and of all popular governments, the same number of freemen possessing the necessary qualifications to vote in one section of the Union, possess, and ought to exercise, the same power that the same number of freemen possessing like qualifications, possess, and ought to exercise, in another section of the Union. The safest and most virtuous rule, in public as well as private affairs, is boldly and firmly to assert and maintain our own rights, and cheerfully accord to others the enjoyment of theirs. And it was never intended that the representation in the house of representatives should be equal, any further than numbers, according to the population of the different States, should render it so. Neither could it have been the intention of the framers of the constitution to weaken the influence of the people of the States, in the

popular branch of the legislature, by adopting a rule which would lead, necessarily, to diversity of views and opinions, and all the mischiefs incident to divided councils. Union and harmony were the feeling and the sentiment which predominated, over all others, at the time the constitution was formed. The constitution itself furnishes the most indubitable proof that numbers form the basis of representation, in the house of representatives. Hence it requires that the census shall be taken at stated periods, to ascertain the number of inhabitants in the different States, and that the ratio of representation shall, at the first session of Congress after every such enumeration, be fixed accordingly. Equality of representation and the power of counteracting the weight and influence of the large States, when they run into error or operate oppressively, is secured in the Senate, where each State, being sovereign and, of course, equal in rights and power, is represented by the same number of Senators. Nothing more is necessary to elucidate the view I entertain upon this part of the subject, than to keep constantly in mind that the reservation of power to the States, is to elect Senators; that to the people, is to choose representatives. And while it is freely admitted, that under the general ticket law the people of no State can ever have a larger number of representatives than their numerical strength entitles them to, it may with full confidence be asserted that it secures to them the full number to which they are entitled, and that no other system can do it.

The next objection is that a majority of the States, from the origin of the government, have adopted the district system—or, that the weight of precedent is against the measure under consideration. To this it may be answered, with entire respect, that the effect of this doctrine is to fasten the errors of one generation irrevocably upon all succeeding generations, and, indeed, to render error immortal. This I admit is the doctrine maintained in all governments of prescription, where the light of experience and successive improvement are studiously shut out, and where it is considered sacrilege for men to attempt any improvement upon the systems or opinions of those who have gone before them. Fortunately for the improvement of the age, and for the benefit of mankind, this is not yet the received doctrine in this country.

The gravest objection, and one which addresses itself peculiarly to popular prejudice—for it can have no solid foundation in the understanding of any one who has bestowed the slightest attention to the subject is, that it disfranchises a portion of the people. If this objection is well founded, it would be sufficient of itself to condemn the system. But nothing can be more untrue or disingenuous; and the employment of such an argument bespeaks either an ignorance of the meaning of the most ordinary terms in the language, as well as the true theory of representative democratic government, or a desire to mislead the public judgment. To disfranchise, means to deprive of the privileges of a free citizen. In reference to the subject under consideration, it means, if, indeed, it mean any thing, to deprive of the right to vote. But who, it may be asked, that had a right to vote under the former system, has been deprived of that right by the law in force? Under the district system, each qualified voter in the State had a right to vote for one member of Congress, and no more. Under the general ticket law, each qualified voter in the State has a right to vote for five. Unless, therefore, increasing the right of each voter in the State five fold, in the election of members of Congress, has the effect to disfranchise a portion of the people, no disfranchisement has



been effected by the general ticket law. If being disfranchised means voting in a minority, why then the twelve hundred thousand freemen who voted in a minority in a recent National election, the manner of conducting as well as the result of which will be remembered at least as long as the forms of the constitution last, were disfranchised. But not so—they took their chances at the ballot box—they cast their votes in that memorable contest—but the majority of numbers was against them—and yielding to that great distinctive feature of representative republican government, that the will of a majority, expressed according to the forms of the constitution, shall govern, they quietly submitted to defeat—but not to disfranchisement. No doubt many of them expect to vote in a similar election again, and, judging from the signs of the times, with sanguine hopes of better success. If this modern doctrine of disfranchisement is correct, there is a portion of the people disfranchised in every popular election, where there is a contest, from the election of a constable up to the election of Chief Magistrate of the United States. This subject renders reference to another principle not improper; and that is, the rights of minorities. All men possessing the qualifications established by the constitution are eligible to office, and have a right to vote, no matter what may be their political opinions. But minorities have no power to elect, and no right to have their political opinions represented. These belong to the majority, and must continue to belong to them, until the main principle of the government is changed, and the will of the few substituted for the will of the many. The truth of this position is fully illustrated in the case of the twelve hundred thousand who voted for Mr Van Buren in the late Presidential election. Their votes were as powerless, so far as the result of that election was concerned, as if they had been cast into the sea; because they were given by a minority. Take another illustration: The county of Tuscaloosa is, in all respects, one of the most respectable counties in Alabama—the people of that county, like all others, are divided into parties entertaining different political opinions; one of these parties preponderates by a majority of several hundred votes, and the consequence is, and properly, according to the genius of our government, that the dominant party elects all the delegates from that county, in both branches of the Legislature.

I have calmly endeavored to view the questions involved in the general ticket law, through the light of reason, uninfluenced by any other desire than to arrive at a proper conclusion. The true construction of the constitution and a desire to secure the rights of the people of Alabama to their fullest extent, furnish the only lights by which I have been guided, and constitute the only motive by which I have been governed in arriving at the conclusion to which I have come. I had experienced no personal disappointment under the district system; and, notwithstanding the motives attributed to me, it is impossible I can have views or expectations to gratify under the present system. My deliberate judgment tells me the present is the true one, for the following reasons:

1. The constitution authorizes the people of the States to choose representatives; and this is, in my opinion, the only way in which the right secured by the constitution, can be fully enjoyed.
2. It secures in practice, in the election of members of Congress, the benefit of that great principle, that the will of a majority, expressed according to the forms of the constitution, shall govern.

3. It secures the rights of the States from the possibility of encroachment by Congress.

4. It enlarges the elective franchise, just in proportion to the number of members of Congress to be elected.

It is possible, after all, that the views I have taken, and the reasoning I have employed, upon this subject, may be erroneous. My deliberate and well settled opinion is, that they are correct. And even if they should prove to be erroneous, I shall at least enjoy the consolation of having erred in favor of extending the great principle of representative government, which lies at the bottom of our institutions, by enlarging the right of suffrage; to secure which, in its plenitude and purity, to the people of the several States of this Union, the aspirations of the purest patriots were elevated, and the best blood of the revolution was spilt. But upon this subject, and particularly at this time, I have an especial desire not to be misunderstood. Ours is a government of opinion, and not arbitrary will; and reason and free inquiry are the only agents that can properly be employed in the administration of it. I am, therefore, of opinion that this subject should be referred back to the people, and if, upon full consideration of all the reasons connected with it, they determine that this law ought to be repealed, let it be done. As already remarked, no possible injury or public inconvenience can result from delay; on the contrary, it will afford time for more ample reflection on the relative importance and propriety of the two systems, as no election can be held under either until August, 1843.

The intimate relations subsisting between the State and general governments, and our liability to be affected, either for good or for evil, by the action of the latter, renders it proper that I should notice some of the measures introduced during the late extraordinary session of Congress, most of which have, unfortunately as I conceive, become laws of the land. I am well aware that there are some who look upon every allusion by the State authorities to the action of the general government, as a species of impertinent and officious interference. My habit of thinking upon this subject has led me to a different conclusion. The general government was formed by the States; it can only be altered by the States; it is responsible to the States for its action; it was constituted a trustee by the States, for the benefit of the people, in relation to such matters, and none others, as were specifically confided to it.

The ingenuity of the friends of a national bank, in Congress, was taxed to the last extremity in order to enable them to seem to evade, while they violated, the constitution, and to incorporate some institution of this kind. Fortunately for the country, all these attempts were unsuccessful—not so much, it would appear, however, from a disposition to preserve the constitution, as from inability on the part of the friends of a bank, (or fiscal agent, as it is now called,) to agree among themselves, as to the particular manner in which that instrument should be violated. And it is astonishing that the President of the United States should have vetoed two bank bills for constitutional reasons, without even alluding to the main reason why such an institution is unconstitutional—namely, that Congress has no power to incorporate a national institution of any sort. This question, like the sword of Damocles is still suspended over our heads; and whether this state of suspense is to terminate in the ultimate triumph of the constitution, or in the prostitution of that instrument to the influence of a sordid money power, is a question which belongs

to the future. Unless, however, the indications of the times are grossly deceptive, the people are about to look to this subject, and to relieve the country forever from the thralldom and the corruptions of a national bank. It is hoped that the Legislature will continue to protest against the establishment of any institution of this kind, by whatever name it may be called; and, in the event of its passing Congress in any shape, against the establishment of a branch in this State.

The act to appropriate the proceeds of the public lands and to grant pre-emption rights, (as it is styled,) is, in my judgment, the most extraordinary, as well as the most pernicious act of American legislation; and contains more of that subtle poison which is finally to neutralize the power and destroy the independence of these States, unless prevented by their constant vigilance, than any act passed by Congress since the foundation of the government. This measure may, with truth, be said to violate every correct principle that could be embraced within its provisions. It violates the constitution, by abolishing a permanent source of revenue belonging to the United States; thereby creating a necessity for increasing the duties on imports, which must operate unequally, and the weight of which must fall most heavily on the southern States. It is no answer to this objection, to say that the act is not to operate if it violates the compromise of 1833—the compromise act is itself a violation of the spirit of the constitution. It violates the articles of cession from the ceding States to the United States, by distributing that which was intended to be held as a common fund, for the benefit of all the States jointly, among the individual States. It is an act of wasteful improvidence to give away three or four millions annually, when the national treasury is penniless, and places Congress under the necessity of borrowing money, and taxing the necessities of life, in order to support the government. It involves the right of Congress to lay and collect taxes for the purpose of distributing among the States, in order to make them the pliant subjects of national ambition and national power—for there is no difference between giving to the States the existing revenue, thereby creating a necessity for additional taxes, and laying taxes in the first instance, for the purpose of distribution. It amounts to the same thing. Congress has no power to make donations when the treasury is bankrupt; and it is utterly unworthy the character of the States, under such circumstances, to accept them. This act is one of that series of measures intended to pave the way for the permanent introduction of the miscalled American system, the effect of which will be to fasten perpetual burdens on the people of the South, in order to protect and foster the productions of labor in other sections of the Union. If this law remains in force, it destroys all hope of reduction in the price of the public lands; a matter more interesting to the great mass of the people than any other, as it would enable every class, even the poorest, to provide homes for their wives and children at a very moderate expense. It is not to be expected that the price will be reduced while a majority of the States are interested in keeping it up, in order to increase the distributive portion to which each State is entitled. The true and wisest policy of this government, is to contribute, as far as possible, consistently with the constitution, to the happiness and comfort of the people; and not by exhausting existing sources of revenue, to increase the necessity for additional impositions, and diminishing their ability to become

interested in the soil, by acquiring a home, which, after all, is the strongest tie which binds a man to his country.

The foregoing are some of the objections which apply, with great force, to the law for the distribution of the proceeds of the public lands. The 17th section of this act presents a subject for the consideration, and possibly for the action, of the Legislature. It provides "that the two per cent. of the nett proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September, one thousand eight hundred and nineteen, and reserved, by the act entitled "an act to enable the people of the Alabama Territory to form a constitution and State Government, and for the admission of such State into the Union, on the same footing with the original States, for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama, payable in two equal instalments, the first to be paid on the first of May, one thousand eight hundred and forty-two, and the other on the first day of May, one thousand eight hundred and forty-three, and quarterly as the same may hereafter accrue. Provided, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in Mississippi."

This section of the act relinquishes to Alabama the two per cent. fund arising from the sale of the public lands in this State, and which was reserved according to the terms of the act for our admission into the Union, for the purpose of making a road or roads to the State. It is not perceived that this provision in the act of Congress, would commit us to any extent to the distribution principle. If that is to be the effect of accepting, it, I, for one should be for rejecting it without regard to consequences.

It is certain that the two per cent. arising from the sale of the public lands in this State, can never become the property, or form a part of the revenue of the United States without our consent; and, perhaps the most correct view of this part of the subject is, that we are equitably entitled to the benefit of it.

If the Legislature should acquiesce in the correctness of this view, the only remaining question will be, whether they will now or at a more favorable period, bind the State to furnish the additional amount necessary to complete the two works of internal improvement, contemplated in the act of Congress. The entire cost of these works may be estimated at five millions—the amount of the two per cent. at three hundred thousand dollars—hence the sum to be furnished by the State would be four millions seven hundred thousand dollars. A more intimate connection with the sister States of Georgia and Mississippi, by means of a permanent work of internal improvement is certainly a most desirable object, if we have the means to accomplish it. And the connexion of the navigable waters of Mobile bay with the Tennessee river, is in every light in which it can be viewed, a matter of vast importance. It would bring us into intimate connexion with one of the finest provision-raising countries in the world, by which we should annually save vast sums in the purchase of



productions directly from the producers, which we now have to purchase in the first instance, in New Orleans; and the difference of exchange on the articles thus purchased would, in a few years, be sufficient to construct the work. A work of this kind would also have the effect of connecting the two great sections of the State more intimately; and what is of still higher importance, it would, in that emergency, from which the most pacific and enlightened nations, cannot always be exempt, afford great facility in the transportation of troops, munitions of war, and provisions from that quarter, to which in time of need, we should be compelled to look for them. The whole subject is respectfully submitted to the Legislature without a doubt, that they will dispose of it with due regard to all the high and important considerations which it involves.

This is the last annual message I shall have the honor of submitting to the General Assembly. A few days will terminate my connexion with the office of Chief Magistrate of the State of Alabama, to which I may, with perfect sincerity say, I have been twice elected without solicitation on my part, by the people. In looking forward to the moment, now almost at hand, which is to dissolve my official connexion with the General Assembly, I should do injustice to my own feelings, if I were not to express the deep and abiding sense of obligation I am under to that body, for the uniform courtesy and indulgent liberality and kindness I have experienced at their hands, in my humble but honest efforts to administer the government of Alabama. And permit me, gentlemen, through you, to avail myself of this last public occasion, to render to the great body of my fellow-citizens, the deep and lasting sense of gratitude I feel, and shall never cease to cherish, towards them, for the multiplied proofs they have given me of their kindness and confidence; and to assure them, that I shall carry into the retirement that awaits me, the same devotion to their interest and happiness, by which I have endeavored to be governed in my public career; and that I shall never cease to supplicate Divine goodness, to continue to them the enjoyment of those rich and countless blessings which he has heretofore been pleased to bestow upon them.

A. P. BAGBY.

Which was read, and on motion of Mr Hudson, laid upon the table, and one thousand copies thereof ordered to be printed.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 3, 1841.

The Senate met pursuant to adjournment.

Mr Hudson, asked leave of absence for the Senator from Fayette, Mr Wilson, until Friday morning; which was granted.

Mr Clarke, presented the petition of sundry citizens of the county of Benton, the reading of which was dispensed with, and on motion, referred to the committee on education.

McMcConnell, presented the account of John F. Henderson, the reading of which was, on Mr. McConnell, dispensed with, and referred to the committee on accounts and claims.

Mr Phillips introduced a bill, to be entitled an act concerning suits against executors and administrators, &c., which was read a first time, and ordered to a second reading, on to-morrow.

Mr Toulmin introduced a bill, to be entitled an act, to amend the charter



of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes; which was read a first time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, it was read a second time; and on motion of Mr Hudson, referred to the committee on the State bank.

On motion of Mr Hudson: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Thursday, the 4th instant, at the hour of 12 o'clock, M. for the purpose of counting the votes and declaring the election of Governor, in pursuance of the provisions of the constitution of this State.

Mr President, laid before the Senate, sundry documents from the branch of the bank of the State of Alabama at Mobile, shewing the liabilities of the Senators and members of the House of Representatives, for the session of 1841; also the indebtedness of the President and Directors of said bank; which, on motion of Mr Toulmin, was referred to the committee on the State bank.

Also, a tabular statement of the debts due the branch bank at Mobile; which on motion, of Mr Hudson, was laid on the table.

Also, the Comptroller's report; which, on motion of Mr Hudson, was laid on the table, and 100 copies thereof, ordered to be printed.

Also, a document from the branch bank at Mobile, shewing the amount paid by said bank to valueless 16th sections; which, on motion of Mr Creagh, was laid upon the table.

On motion of Mr Clarke: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of changing the present mode of electing the President and directors of the State bank and its several branches, so as to conform, as near as practicable to the recommendation of the Executive, and that they report by bill or otherwise.

On motion of Mr Phillips: **RESOLVED**, that the committee on the State bank, inquire into expediency of regulating the affairs of the State bank and its several branches.

Mr Creagh introduced a bill, to be entitled an act, to allow compensation to certain persons, which was read a first time, and ordered to a second reading on to-morrow.

Mr Clarke presented the petition of sundry citizens of the county of Benton, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Buford offered the following resolution: **RESOLVED**, that no resolution, bill, account, petition, or other document, be received, or referred without reading, unless the Senator introducing the same, will at the time of moving such reference, succinctly state the purport and object of the paper; which was referred to the special committee, appointed for the purpose of drafting rules for the government of the Senate.

Mr Phillips, introduced a bill, to be entitled an act, to exempt certain persons from road duty; which was read, and ordered to a second reading on to-morrow.

On motion of Mr Hudson, the vote taken this morning, on referring the bill "to be entitled an act to amend the charters of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes," was reconsidered.

On motion of Mr Hudson, the bill was then referred to the committee on the judiciary.

Mr Foster introduced a bill, to be entitled an act, to authorise William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county, for the year 1841, and to change the time for the election of said officer in future; which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Hudson, the Senate then proceeded to the consideration of the orders of the day.

Engrossed bill, to be entitled an act, to compel the judges of the county court of the counties of Franklin and Monroe, to reside at or within three miles of the court-house, was read a third time and passed. Ordered to remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

On motion of Mr McConnell, the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOV. 4, 1841.

The Senate met pursuant to adjournment.

Mr Hunter, presented the petition of Thomas P. Sims, jailor of Lowndes county; which was read, and on motion of Mr Hunter, referred to the committee on accounts and claims.

Mr Hunter presented the petition of sundry citizens of Lowndes county, praying some compensation to the jailor of said county, for rendering certain services therein specified, which was read, and on motion of Mr Hunter referred to the committee on accounts and claims.

Mr McConnell presented the account of H. A. Defrese, of Taladega, the reading of which was dispensed with, and referred to the committee on accounts and claims.

Mr Jones presented the petition of Norborne E. Chandler; which was referred to the committee on propositions and grievances.

Mr Brindley introduced a bill, to be entitled an act, to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall and for other purposes; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Brindley: **RESOLVED**, that the committee on the State bank, inquire into the expediency of

1st Restricting the cash accounts of said bank and branches to pre-emptors.

2d The purchase of bills, with cash, to those payable in commercial cities: to insure the punctual payment of which

3d To augment damages on such bills protested.

4th Of extending debts owing to said banks, to such time, and in such manner, by mortgages or otherwise, as will best secure their ultimate payment.

5th Of providing for the payment of the States' liabilities created for said banks.

Mr Dent, introduced a bill, to be entitled an act, to secure the more speedy collection of debts against incorporations; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Dent, referred to the committee on the judiciary.

Mr Reese offered the presentment of the grand jury of the county of Chambers, at the fall term, 1841; which was read, and on motion of Mr Reese, referred to the committee on the judiciary.

Mr Creagh offered joint resolutions in relation to the purchase of 16th sections; which was read a first time, and ordered to a second reading on to-morrow.

Mr Jones introduced a bill, to be entitled an act, to confirm the will of Thomas Murphy, deceased, which was read a first time, and ordered to a second reading on to-morrow.

Mr Hudson offered the following preamble and resolution, to wit:

Whereas, from the lowness of the reading desk, the Secretary labors under considerable inconveniences in reading the minutes; therefore

**RESOLVED**, That the door-keeper be instructed to provide a temporary platform to lay on the desk, in order to raise the same, which was adopted.

Mr Clarke introduced a bill to be entitled an act, to prevent frauds in elections; which was read a first time and ordered to a second reading on to-morrow.

Mr McAllister introduced a bill to change the name of, and to render legitimate, John Jarrett Reese, of the county of Henry; which was read a first time and ordered to a second reading on to-morrow.

Message from the House of Representatives, by Mr Tunstall.

Mr President:—

The House of Representatives concur in the resolution of the Senate, proposing to assemble in the Hall of the House of Representatives on Thursday the 4th inst. (this day) at the hour of 12 o'clock, M. for the purpose of counting the votes and declaring the election of Governor, in pursuance of the provisions of the Constitution.

They have passed a bill for the appointment of commissioners to complete the public buildings of Washington county, in which they ask the concurrence of the Senate.

A bill from the House of Representatives to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county, was read a first time. Mr Creagh moved to suspend the constitutional rule, which was lost; the question recurred on ordering the bill to a second reading on to-morrow, which was carried.

On motion of Mr. Jones, **RESOLVED**: that the committee on privileges and elections, be instructed to revise the election law of this State, and to report a substitute at the earliest period practicable.

Mr Terry presented the petition of sundry citizens of the county of Limestone, the reading of which was dispensed with, and on motion of Mr Terry, referred to the committee on the Judiciary.

Mr Dailey offered the following resolution: **RESOLVED**, that the committee on the State Bank be instructed to enquire into the propriety of selling 3-5ths of the capital stock of the State Bank and its several branches, to individual stockholders, and to report by bill or otherwise, which was lost.

On motion of Mr Foster, **RESOLVED**: that the committee on the judiciary, be instructed to enquire into the constitutionality and expediency of providing by law for removal from office, Justices of the Peace of this State for malpractice in office, and that they further inquire into the expediency of interposing jury trials in justices courts, and that they report by bill or otherwise.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act concerning suits against executors and administrators, &c., was read a second time, and on motion of Mr. Phillips, referred to the judiciary committee.

A bill to be entitled an act allowing compensation to certain persons, was read a second time, and on motion of Mr Creagh, referred to the committee on Indian expenditures.

A bill to be entitled an act to exempt certain persons from road duty, was read a second time..

Mr Reese moved to amend the bill by adding the following words, to wit: (to come in after the word deafness in said bill,) "or who is blind, dumb, lame or maimed," which together with the bill, was, on motion of Mr. Phillips, referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to authorize William Hughs, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time of the election of said officer in future, was read a second time.

Mr. Jones moved to lay the bill on the table, which was lost; the question then recurred upon ordering it to be engrossed for a third reading on to-morrow, which was carried.

The orders of the day having been disposed of, Mr Jones offered a joint resolution for the relief of Thomas Killough, tax collector of Sumpter county, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Jones, the vote taken this morning on the adoption of the resolution instructing the committee on privileges and elections to revise the election laws of this State, and to report a substitute at the earliest period practicable, was reconsidered.

Mr Jones moved to amend the resolution by striking out the words, "privileges and elections," and inserting in lieu thereof, "judiciary," which was carried: the resolution as amended was then adopted.

On motion of Mr Hudson: **RESOLVED**, that a committee of three be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to examine the Comptroller's and Treasurer's offices, and whether said officers have discharged their several duties according to law; whereupon Messrs Hudson, Ross and Baylor were appointed said committee.

On motion of Mr Andress: **RESOLVED**, that the judiciary committee be instructed to inquire into the propriety of revising the patrol laws of this State.

On motion of Mr Baylor the vote this morning refusing to suspend the constitutional rule, for the purpose of giving the bill, "to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county," a second reading forthwith, was reconsidered; the constitutional rule was then suspended, and the bill read a second time and ordered to a third reading on to-morrow.

On motion of Mr McConnell: **RESOLVED**, that a committee be appointed by the president of the Senate to act with such committee as may be appointed by the House of Representatives, whose duty it shall be to examine into the operations of the Bank of the State of Alabama and the several



Branches thereof, to ascertain if any frauds have been practised on said bank, by whom, and by what means they were committed, and recommend a suitable remedy for preventing and punishing such frauds for the future, should any be found to exist, with power to send for persons and papers; whereupon Messrs McConnell, Dent and Clarke were appointed said committee.

Message from the House of Representatives informing the Senate of their readiness to receive them within the Hall of the House, for the purpose of counting and declaring the votes for Governor of the State of Alabama; whereupon the Senate repaired to the Hall of the House of Representatives, were seated, when Mr President announced the object of the meeting of the two Houses.

The two Houses then proceeded to count, when it appeared that Benjamin Fitzpatrick had received twenty seven thousand nine hundred and seventy-four votes. James McClung, twenty-one thousand two hundred and nineteen votes.

Mr Fitzpatrick having received a majority of the whole number of votes given, was declared by Mr Speaker duly and constitutionally elected Governor of the State of Alabama, for the ensuing term of two years.

The Senate then withdrew to their chamber, and Mr President resumed the chair.

On motion of Mr Hudson the Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Nov. 5, 1841.

The Senate met pursuant to adjournment:

Mr Samuel C. Oliver, Senator from Montgomery, appeared in the Senate chamber and took his seat.

Mr Hunter presented the petition of sundry citizens of Lowndes county, the reading of which was dispensed with, and on motion of Mr Hunter, referred to the committee on propositions and grievances.

Mr Jones introduced a bill to be entitled an act for the relief of Nancy S. B which was read a first time, and ordered to a second reading on to-morrow.

Mr Dent introduced a bill to be entitled an act to authorize the Comptroller of public accounts to draw his warrant on the treasury in favor of Sion L. Perry for the balance of the salary due H. G. Perry, deceased, judge of the second judicial circuit; which was read a first time, and the constitutional rule, requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and on motion of Mr Dent, it was referred to a select committee; whereupon Messrs Dent Foster, and Jones were appointed said committee.

Mr Toulmin introduced a bill to be entitled an act to amend the laws in regard to limitations of actions, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Wilson of Jackson: **RESOLVED**, that the committee on the State Bank be instructed to inquire into the expediency of passing a law, authorizing the president and directors of the several banks in this State to make the best possible arrangement in settling the old suspended debt, with leave to report by bill or otherwise.

Mr Hall presented the account of Wm. Huss, the reading of which was

dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Jones: **RESOLVED**, that the committee on the judiciary be instructed to revise the tax law of this State, and to report a substitute.

On motion of Mr Hudson, the Senate then proceeded to the consideration of the orders of the day.

A bill from the House of Representatives to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county, was read a third time and passed.

Ordered that the title remain as aforesaid.

Ordered that the House of Representatives be acquainted therewith.

Joint resolutions of the General Assembly concerning purchasers of 16th sections, was a second time read, when Mr Hudson offered the following amendment, to wit:

**RESOLVED**, that the cashier of the branch of the bank of the State of Alabama at Decatur, be authorized to extend the provisions of this resolution to Joseph Wofford, purchaser of the north west quarter of section 16, township seven, and range twelve west, in the county of Franklin, in the Huntsville land district.

Provided, said Wofford will pay all costs which may have accrued in attempting to collect said purchase money, which was adopted; the resolution then, together with the amendment, was on motion of Mr King, referred to the committee on education.

A bill to be entitled an act to confirm the will of Thomas Murphy dec'd., was read a second time.

Mr Buford offered to amend the bill by adding the following provision, to wit:

Provided, that said will is hereby confirmed, only so far as relates to realty; and as to personalty, the same shall stand as though this law had not passed.

On motion of Mr Hudson, the bill, together with the amendment, was referred to the committee on the judiciary.

The following message was received from his Excellency the Governor, by his private Secretary, J. D. Bagby:

#### EXECUTIVE DEPARTMENT,

TUSCALOOSA, Nov. 4, 1841. }

Sir: I have the honor to inform the Senate that Cordy N. Skinner has been appointed judge of the county court of Franklin county, in the place of the Hon. John A. Nooe, resigned; and that Elias Frierson has been appointed quarter master general of the State of Alabama, in the place of Col. Charles Lewen, deceased.

A. P. BAGBY.

Non. NATH. TERRY, President of the Senate.

A bill to be entitled an act to prevent fraud in elections, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to change the name of and to render legitimate John Jarrett Reese, of the county of Henry, was read a second time, and on motion of Mr Baylor, laid upon the table.

Engrossed bills of the following titles, to wit:

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes:

An act to authorise William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county, for the year 1841, and to change the time for the election of said officer, in future; were severally read a third time and passed. ORDERED, that the titles remain as aforesaid. ORDERED, that they be sent to the House of Representatives for their concurrence.

A joint resolution of the General Assembly of the State of Alabama, for the relief of Tho's Kellough, tax collector of Sumter county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The orders of the day having been disposed of, the President laid before the Senate a communication from the President of the branch of the bank of the State of Alabama at Montgomery; the reading of which was dispensed with, and on motion of Mr Creagh, ordered to lie upon the table.

Mr Hunter presented the accounts of Thomas P. Simms, jailor of Lowndes county, the reading of which was dispensed with, and on motion of Mr Hunter, referred to the committee on accounts and claims.

Mr McAllister presented the account of Weeks Pippen, the reading of which was dispensed with; on motion referred to the committee on accounts and claims.

Mr Toulmin introduced a bill to be entitled an act to regulate judicial proceedings in the county court of Mobile county, which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Reese, the annual communication of his Excellency the Governor, was taken from the table, and the further consideration of which, was, on motion of Mr Hudson, postponed until to-morrow at 11 o'clock, and made the special order for that hour.

The Senate then, on motion of Mr Baylor, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOV. 6, 1841.

The Senate met pursuant to adjournment.

Mr Thornton, from the judiciary committee, to whom was referred a bill to be entitled an act concerning suits against executors, administrators, &c. reported the same back to the Senate with the following amendment, to wit: "After the word county, in the last line but two in said bill, insert these words: "and that service of process in all such suits made in any county in the State, shall be as effectual as if made in the county in which the letters were taken out," which was adopted by the Senate. The bill was placed among the orders of the day.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to amend the charters of the bank of the State of Alabama, and the several branches, in the mode of collecting their debts, and for other purposes, reported the same back to the Senate without amendment. The bill was then placed among the orders of the day.

Mr Thornton, from the same committee to which was referred a resolution instructing them to inquire into the propriety of revising the patrol law of this State, reported that it was inexpedient to legislate upon the subject, in which the Senate concurred.

On motion of Mr Hudson, *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House

of Wednesday next, the 10th inst. at the hour of 12 o'clock, m. for the purpose of electing a judge of the county court of the county of Franklin.

Mr Phillips introduced a bill to be entitled an act respecting depositions, &c. which was read a first time and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed the bill which originated in the Senate, entitled an act to authorize William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time for the election of said officer in future.

They also concur in the resolution proposing to appoint a committee to examine the Comptroller's and Treasurer's offices, and have appointed on their part messrs McAlpin, Norman and Rodgers.

Mr Reese, from the select committee to whom was referred a resolution requiring a brief statement of the contents of all papers presented to the Senate and referred without reading, reported the same back to the Senate and recommended its adoption; in which the Senate concurred.

Mr Dent, from the special committee to whom was referred a bill authorizing Sion L. Perry to draw from the Treasury the remaining balance due to H. G. Perry, deceased, late judge of the second judicial circuit, reported the same back to the Senate, and recommended its passage.

Mr McAllister, from the committee on Indian expenditures, to whom was referred a bill to be entitled an act allowing compensation to certain persons, reported the same back to the Senate without recommending its passage; which on motion of Mr Creagh was ordered to lie on the table.

Mr Toulmin introduced a bill to be entitled an act to regulate the salaries of the solicitors of the first and tenth judicial circuits, which was read a first time and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act, to authorize the relinquishment of 16th sections in certain cases, which was read a first time and ordered to a second reading.

On motion of Mr Dailey, *Resolved*, that the committee on retrenchment be instructed to inquire into the propriety of reducing the wages of the Warden of the Penitentiary for the first year, and to report by bill or otherwise, at an early day.

Mr McAllister introduced a bill to be entitled an act to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes, which was read a first time and ordered to a second reading.

Mr Andress introduced a bill to be entitled an act to alter the 1st and 10th judicial circuits, and for other purposes; which was read a first time and the constitutional rule being suspended, it was read a second time, and on motion of Mr Andress, referred to a select committee consisting of the delegations from the 1st and 10th judicial circuits.

Mr Buford presented the account of James M. Feagan, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Buford presented the account of Capt. H. G. Jenkins, the reading of which was dispensed with, and on motion, referred to the committee on Indian expenditures.

Mr Turner, from the judiciary committee, to whom was referred the peti-



don of sundry citizens of Limestone county, reported a bill to be entitled an act to prevent the shooting or killing of deer in Limestone county, during certain seasons of the year; which was read a first time and ordered to a second reading.

On motion of Mr Hudson, the Senate then took up the orders of the day.

A bill to be entitled an act for the relief of Nancy B. Alexander, was read a second time, and the Senate refused to order it to a second reading.

A bill to be entitled an act to amend the laws in regard to limitations of actions, was read a second time and ordered to be engrossed for a third reading.

Joint resolutions of the General Assembly of the State of Alabama, for the relief of Thomas Kellough, was read a third time and passed. Ordered that the title remain as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to regulate judicial proceedings in the county court of Mobile county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to amend the charters of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, was read a second time.

Mr Baylor moved to strike out the latter clause of the last section; which was lost. Yeas 9—Nays 20.

Those who voted in the affirmative are messrs Baylor, Brindley, Creagh, Hall, Jones, McAllister, McVay, Reese and Thornton.

Those who voted in the negative are, messrs President, Andress, Buford, Clarke, Dailey, Dent, Foster, Hudson, Hunter, King, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

The question then recurred upon ordering the bill to be engrossed for a third reading; which was carried.

On motion of Mr King, leave of absence was granted the Senator from Shelby and Bibb, Mr Watrous, until Wednesday next.

The hour of eleven o'clock having arrived, the Senate resumed the consideration of the Governor's annual message, it being the special order for that hour; when on motion of Mr Hudson, the Senate resolved itself into a committee of the whole, upon that subject—Mr Hudson in the Chair—after some time spent therein, the committee rose and reported through their chairman, Mr Hudson, the following resolutions, to wit:

*Resolved*, that so much of the Governor's message as relates to taxation for the support of the State Government, be referred to the committee on the judiciary.

*Resolved*, that so much of the Governor's message as relates to the State bank and branches, be referred to the committee on the State bank.

*Resolved*, that so much of the Governor's message as relates to the appropriation in, and of valueless 16th sections, be referred to the committee on education.

*Resolved*, that so much of the Governor's message as refers to internal improvement, and the two per cent. fund, be referred to the committee on internal improvement and inland navigation.

**RESOLVED**, that so much of the Governor's message as relates to the purchase of a suitable building for a State Arsenal, be referred to the committee on military affairs.

**RESOLVED**, that so much of the Governor's message as relates to the rights of majorities, be referred to the committee on retrenchment.

**RESOLVED**, that so much of the Governor's message as relates to a sinking fund to be set apart for the payment of the State bonds, be referred to the committee on the [State] bank.

**RESOLVED**, that so much of the Governor's message as relates to the criminal code, be referred to the committee on the judiciary.

**RESOLVED**, that so much of the Governor's message as relates to the general ticket system, be referred to the committee on privileges and elections.

**RESOLVED**, that much of the Governor's message as relates to national subjects, be referred to the committee on federal relations.

**RESOLVED**, that so much of the Governor's message as relates to the digesting of the laws of the State, be referred to the committee on the judiciary.

**RESOLVED**, that so much of the Governor's message as relates to the State penitentiary, be referred to the committee on the penitentiary.

**RESOLVED**, that so much of the Governor's message as relates to the reports of the decisions of the supreme court, be referred to the judiciary committee.

**RESOLVED**, that so much of the Governor's message as relates to changing the number and mode of the election of the directors of the State bank and branches, be referred to the committee on the State bank. All of which were adopted by the Senate, the committee were discharged from the further consideration of the subject.

The Senate then resumed the consideration of the orders of the day.

A bill to be entitled an act concerning executors, administrators, &c. was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the Comptroller of public accounts to draw his warrant on the Treasury in favor of Sion L. Perry, for the balance of the salary due the late H. R. Perry, deceased, judge of the second judicial circuit, was read a second time.

Mr Buford offered the following amendment to come in at the end of the bill: "On said Sion producing letters of administration on the estate of said deceased;" which together with the bill, was on motion of Mr Baylor referred to the committee on the judiciary.

On motion of Mr Hudson, **RESOLVED**, that the chair appoint and add to the standing committees of the Senate, a committee to be styled the committee on federal relations: Whereupon messrs Hudson, Reese, Philliss, Hunter, Jones and Turner, were appointed said committee.

Mr Wilson of J. introduced a preamble and joint resolutions, in relation to the securities and endorsers of George Swink & Co. which were read a first time, and the constitutional rule being dispensed with, they were read a second time, and on motion of Mr Hudson, referred to the committee on the State bank.

Mr Buford presented the account of Benjamin Gardner, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Wilson of J. introduced a bill to be entitled an act to ascertain and fix permanently the lines between the counties of Jackson and DeKalb, which was read and ordered to a second reading.

On motion of Mr McConnell, the Senate then adjourned until Monday morning 10 o'clock.

MONDAY, NOV. 8, 1841.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Cook:

Mr President: The House of Representatives have elected a committee consisting of messrs Walker of Lawrence, Ware and Norman, to act with such committee as may be elected on the part of the Senate, to examine into the affairs and conditions of the bank of the State of Alabama and its several branches.

Mr Turner presented the petition of Logan D. Brandon, of madison county, the reading of which was dispensed with, and referred to the committee on accounts and claims.

On motion of Mr Hudson, all other business before the Senate was dispensed with for the purpose of going into the election of a joint examining committee of the bank of the State of Alabama and its several branches.

The Senate then proceeded to the election of a joint examining committee, which resulted in the choice of messrs Hudson, Oliver and Reese.

Mr President laid before the Senate a communication from the legislature of the State of Maine, in relation to the North Western Boundary question; which, on motion of Mr Reese, was referred to the committee on federal relations.

On motion of Mr McConnell, **RESOLVED**, that the committee on the State bank inquire into the expediency of winding up or removing the branch of the bank of the State of Alabama at mobile; the nett profits resulting from the operation of said institution; the probable loss by wear and tear; also, the propriety of diminishing the number of officers, with leave to report by bill or otherwise.

Mr Reese, offered joint resolutions requiring the Secretary of State, to furnish certain counties with copies of Aiken's Digest; which was read a first time, and the constitutional rule being dispensed with, they were read a second time, and on motion of Mr Hudson, referred to a select committee, consisting of messrs Reese, Hudson and Turner.

Mr Wilson, of Jackson, introduced a bill, to be entitled an act to change the mode of assessing and collecting the taxes for the county of Jackson; which was read a first time: Mr Hudson moved to suspend the constitutional rule, which was lost: the question then recurred on ordering it to a second reading, which was carried.

Mr King offered a joint resolution in relation to the salary of the warden of the penitentiary; which was read, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Reese, referred to the committee on the penitentiary.

Mr Turner introduced a bill to be entitled an act, to ascertain and fix permanently the line between the counties of madison and Jackson; which was read, and ordered to a second reading.

Mr Reese introduced a bill, to be entitled an act, to establish an election precinct in the county of Chambers; which was read and ordered to a second reading.

Mr Jones introduced a bill, to be entitled an act, to amend and explain an act, for the relief of Elizabeth Morris, approved 9th Jan. 1836; which was read and ordered to a second reading.

Mr Foster offered joint resolutions in relation to the county of Cherokee which were read and ordered to a second reading.

Mr Toulmin introduced a bill, to be entitled an act, to establish a road court in the county of Mobile; which was read, and ordered to a second reading.

Mr McConnell introduced a bill, to be entitled an act, respecting depositions, &c.; was read a second time, and on motion of Mr Phillips, referred to the committee on the judiciary.

A bill, to be entitled an act, to regulate the salaries of the solicitors of the 1st and 10th judicial circuits, was read a second time, and on motion of Mr McConnell, referred to the judiciary committee.

A bill, to be entitled an act, to authorize the relinquishment of sixteenth sections, in certain cases, was read a second time, and on motion of Mr Brindley, referred to the committee on education.

A bill, to be entitled an act, to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes; was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act, to prevent the shooting or killing of deer, during certain seasons of the year in Limestone county; was read a second time.

Mr Brindley, offered the following amendment, to wit: Provided, that nothing herein contained shall be construed to prevent the citizens of other counties from shooting and killing deer in Limestone county, nor to authorize the citizens of Limestone to shoot or kill deer in any other county, within the time aforesaid, under the penalty aforesaid, which was lost.

Mr Turner moved to amend the bill, by striking out January, where it occurs, and inserting in lieu thereof, February.

Mr Wilson of Jackson, called for a division of the question, which was first taken on striking out, and carried.

Mr Wilson of Jackson, moved to insert April; which was lost: the question then recurred on February; which prevailed.

Mr Turner then moved to fill the remaining blank in said bill with ten; which was lost.

Mr McConnell moved to fill the blank with five; which was carried: the bill as amended, was then ordered to be engrossed for a third reading.

A bill, to be entitled an act, to regulate judicial proceedings in the county court of Mobile county, and

A bill, to be entitled an act, to amend the laws in regard to limitations of actions; were severally read a third time and passed. Ordered, that the titles remain as aforesaid, and that they be sent to the House of Representatives, for their concurrence.

A bill, to be entitled an act, to amend the charters of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes; was read a third time and passed. Yeas 31—Nays 8.

Those who voted in the affirmative, are, messrs President, Andress, Buford, Clarke, Dailey, Dent, Foster, Hudson, Hunter, King, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Wilson, of J. and Womack.

Those who voted in the negative, are, messrs Brindley, Creagh, Hall, Jones, McAllister, Reese, Thornton and Wilson, of F.



Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill, to be entitled an act, concerning suits against executors, administrators, &c. was read a third time and passed: the Senate ordered that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

A bill, to be entitled an act, to ascertain and fix permanently, the line between the counties of Jackson and DeKalb; was read a second time, and on motion of Mr Wilson of J., referred to a select committee; whereupon messrs Wilson of J., Foster and McConnell, were appointed said committee.

On motion of Mr Turner: **RESOLVED**, that the judiciary committee be instructed to inquire into the expediency of passing a law, exempting all public officers from any liability for official conduct, unless prosecuted within ten years after the expiration of their office; with leave to report by bill or otherwise.

Mr Jones, from the committee on enrolled bills, reported that they had examined, and found correctly enrolled,

An act to authorise William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time for the election of said officer in future.

On motion of Mr Creagh, the bill to be entitled an act, allowing compensation to certain persons, was taken from the table, when on motion of Mr Address, it was referred to a select committee, whereupon messrs Address, Creagh, and McClanahan, were appointed said committee.

On motion of Mr Reese, **RESOLVED**, that the door keeper of the Senate be instructed to procure for the use of the Senate, a map of the State of Alabama.

On motion of Mr Phillips, **RESOLVED**, that the committee on the State bank and branches be instructed to inquire into the expediency of dispensing with protest and notice against the makers of promissory notes, and the drawers of bills of exchange, where the paper is owned by the banks.

On motion of Mr King, the Senate then adjourned until to-morrow, 10 o'clock.

**TUESDAY, NOV. 9, 1841.**

The Senate met pursuant to adjournment.

Mr Clarke presented the petition of sundry citizens of the county of Benton, the reading of which was dispensed with, and on motion of Mr Clarke, ordered to lie on the table.

Mr Dent presented the account of messrs Hogan & Lyon, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Thornton, from the committee on the judiciary; to which was referred a resolution instructing them to inquire into the constitutionality and expediency of providing by law, for the removal from office justices of the peace for malpractice in office, as also the expediency of interposing jury trials in justices courts: reported, that as to the first part of the resolution, it seemed to the committee that justices of the peace were embraced in the list of civil officers, required by the constitution to be removed by impeachment alone, and as to the second part of the resolution, relating to jury trials in justices courts, that it was inexpedient to legislate thereon; in which the Senate concurred.

Mr Thornton, from the same committee, to which was referred so much of the Governor's Message as relates to the criminal code, reported that, since the reference, by the proclamation of his Excellency, as provided for by the code, the same had become a part of the laws of the State; and as the resolution of reference did not seem to contemplate any action by the committee on the provisions thereof, they begged leave to be discharged from the further consideration thereof. The report, on motion of Mr Hudson, was ordered to lie on the table.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to confirm the will of Thomas Murphy deceased, together with the amendment offered thereto, reported the bill back to the Senate, and recommended its passage without the amendment.

Mr Phillips, from the judiciary committee, to which was referred a bill to be entitled an act to authorise the comptroller of public accounts to draw his warrant on the treasurer in favor of Sion L. Perry, for the balance of the salary of the late H. G. Perry deceased, judge of the second judicial circuit, with an amendment, reported, that according to order, they had had the same under consideration, and that the committee had instructed him to report the same back to the Senate with an amendment, as therein shewn, and recommended its passage; the amendment was adopted by the Senate, and the bill placed among the orders of the day.

Mr Andress, from the committee on propositions and greivances to which was referred the petition of Norborne E. Chandler, of Sumter county, reported a bill to be entitled an act to authorize Norborne E. Chandler, of Sumter county to sell goods, wares, and merchandise, in said county, without license; which was read a first time, and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives concur in the resolution of the Senate proposing to go into the election of judge of the county court of Franklin county, on to-morrow at 12 o'clock, M. They have read three several times and passed bills, which originated in the House of Representatives of the following titles, to wit:

An act to provide for the election of the tax collector for the county of Marshall.

An act to authorize the circuit court of Butler county to remain in session two weeks at its March term 1842, and an act to change the term of the winter term of the county court of Butler county, in which the concurrence of the Senate is asked.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to change the time of holding the winter term of the county court of Butler county.

An act to authorize the circuit court of Butler county to remain in session two weeks at its March term 1842.

An act to provide for the election of a tax collector for the county of Marshall; were severally read, and ordered to a second reading.

Mr Toulmin offered the following resolution: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Saturday the 13th inst. at the hour of 12 o'clock, M., for the purpose of electing a warden and three inspectors of the Peniten-

uary, which, on motion of Mr McConnell, was amended by striking out "Saturday, the 13th inst.," and inserting in lieu thereof, "Saturday, the 20th inst.;" the resolution, as amended, was then adopted.

Mr King introduced a bill to be entitled an act to repeal the general ticket system in elections for representatives in Congress from the State of Alabama, which was read a first time. Mr Hall moved to lay the bill upon the table, which was lost. Yeas 7, Nays 21.

Those who voted in the affirmative are, messrs Baylor, Brindley, Clarke, Hall, McAllister, Turner and Wilson of F.

Those who voted in the negative are, messrs President, Andress, Buford, Creagh, Dailey, Dent, Foster, Hudson, Jones, King, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Wilson of Jackson, and Womack.

The question then recurred on ordering the bill to a second reading, which was carried.

Mr Toulmin introduced a bill to be entitled an act to permanently establish the boundaries of the 48th and 89th Regiments of Alabama militia, in the county of Mobile; which was read, and ordered to a second reading.

The Senate then took up the orders of the day.

A bill to be entitled an act to change the mode of assessing and collecting taxes the for the counties of Jackson, was read a second time, and on motion of Mr Wilson of J., referred to a special committee, consisting of messrs Wilson of J., Hudson, and Womack.

A bill to be entitled an act to ascertain and fix permanently the lines between the counties of Madison and Jackson, was read a second time and ordered to a third reading on to-morrow.

A bill to be entitled an act to establish an election precinct in the county of Chambers, was read a second time; Mr Hudson moved to refer it to the committee on privileges and elections; which was lost.

Mr Clark, to amend so as to abolish the precinct at the boiling spring in the county of Benton, and to establish one at the house of Dudley Snow.

Mr Jones, to abolish the precincts at Hatche's school house and Washington's store in Sumter county.

Mr Dailey, to abolish the precinct known as Fort Rascal, and establish one at the house of Isaac Morris, in Tallapoosa county.

Mr McConnell, to establish an election precinct at Flat Rock in the county of Talladega.

Mr Toulmin, to abolish a precinct at the house of Jessee Lott in Mobile county, and establish one in lieu thereof at the house of James Wilkinson in said county.

Mr McAllister, to establish an election precinct at the house of Desire Tillman, in the county of Dale, and to abolish the election precinct at Ott's mill, and establish one in lieu thereof at the house of Benjamin Walden, in said county; and also to establish an election precinct at the store house of Elias Miller, in the county of Henry.

Mr Andress, to abolish the election precinct of John Salters, in the county of Monroe.

Mr Hunter, further to amend by abolishing the election precinct known as Hainbank's precinct in the county of Lowndes, and establishing one at the house of ——— Tomilson, in said county.

Mr Hudson, to establish an election precinct at the house of William Smith, on big bear creek, in Franklin county: all of which were adopted. The bill as amended was then ordered to be engrossed for a third reading.

A bill to be entitled an act to amend and explain an act entitled an act for the relief of Elizabeth Morriss; approved 9th January, 1836, was read a second time, and on motion of Mr Jones, referred to a select committee; whereupon, messrs Jones, Clarke, and Toulmin, were appointed said committee.

Joint resolutions in relation to the county of Cherokee, were read a second time, and on motion of Mr Clarke referred to the committee on county boundaries.

Mr Clark moved to take from the table the petition of sundry citizens of the county of Benton, and that it accompany the joint resolutions in relation to the county of Cherokee which was carried.

A bill to be entitled an act to establish a road court in the county of Mobile, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of Richard Earle, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to compensate the commissioners of roads and revenue in the county of Dale, was read a third time.

On motion of Mr. Ross, the bill was amended, by adding another section by way of engrossed ryder; the bill then passed the Senate.

Ordered that the title be so changed, as to read, "the counties of Dale and Wilcox."

Ordered that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to prevent the shooting and killing of deer, during certain seasons of the year, in Limestone county, was read a third time, and passed.

Ordered that the bill remain as aforesaid.

A bill to be entitled an act to authorize the comptroller of public accounts to draw his warrant on the treasurer, in favor of S. L. Perry, for the balance of the salary due the late H. G. Perry, deceased, judge of the second judicial circuit; and a bill to be entitled an act to confirm the will of Thos. Murphy, deceased, were severally read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Dent: **RESOLVED**, that the military committee be instructed to examine and report to the Senate, the state and condition of the State Arsenal, and the number and condition of the arms therein.

Message from his Excellency, the Governor, by J. D. Bagby, his private secretary.

#### EXECUTIVE DEPARTMENT, )

TUSKALOOSA, Nov. 9, 1841. )

SIR: I have the honor to lay before the Senate, copies of joint resolutions of the General Assembly of Pennsylvania, in relation to the public lands.

Of the Legislature of Delaware, on the same subject.

Of Kentucky, in favor of limiting the office of President to one term.

Of Delaware, on the same subject.

Of Indiana, in favor of designating the same day throughout the United States, for the election of President.

Of Massachusetts, concerning the north-eastern boundary: concerning the



public lands; re-eligibility of the President, and the revenue laws of the U. States; and a memorial from the directors of the New York Lyceum:

All of which are respectfully submitted for your consideration.

A. P. BAGBY.

HON. NATHANIEL TERRY, President of the Senate.

The message, together with the accompanying documents, was on motion of Mr McConnell referred to the committee on federal relations.

Mr Wilson of J. presented the report of the commissioners of the public works on Paint rock river; which was read, and on motion of Mr Wilson ordered to lie upon the table.

Mr Creagh moved to print thirty-three copies of the report, for the use of the Senate; which was lost.

Mr Ross introduced a bill to be entitled an act in relation to the 16th section, in township 10, of range 5, in the county of Wilcox; which was read and ordered to a second reading.

On motion of Mr Hall, **RESOLVED**, that the judiciary committee be instructed to inquire into the expediency of passing a law, exempting the property of females from sale for the payment of debts contracted by their husbands previous to marriage.

On motion of Mr Dent, **RESOLVED**, that the committee on military affairs be instructed to inquire into the expediency of forming an additional regiment in the counties of Tuscaloosa, Randolph and Franklin, and report by bill or otherwise.

On motion of Mr Baylor, the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 10, 1841.

The Senate met pursuant to adjournment.

Mr Hudson, from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to exempt certain persons from road duty, reported the same back to the Senate with the following amendment, to wit: In the second line from the bottom, strike out the word "made," and in the amendment accompanying said bill, strike out the word "or," where it occurs in the first line of said amendment, and after the word "mayhaimed," add, "so as to render them incapable of doing ordinary work;" which was adopted, and the bill placed among the orders of the day.

Mr Baylor, from the committee on education, to whom was referred a joint resolution concerning the purchasers of 16th sections, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the expediency of dispensing with protest and notice, against the makers of promissory notes, and the drawer of bills of exchange when the paper is owned by the banks, reported the same back to the Senate as inexpedient to be passed.

On motion of Mr Hunter, the resolution and report was referred to the committee on the judiciary.

Mr Toulmin, from the same committee to whom was referred a resolution instructing them to inquire into the expediency of restricting the discounts of the State bank and its several branches to pre-emptioners, reported that it was inexpedient to legislate on the subject.

The committee further stated that inasmuch as the subjects referred to in the 2d, 3d, 4th, 5th and 6th resolutions are embraced in other resolutions now before the Senate, they also reported it back to the Senate.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr Wilson of F. introduced a bill to be entitled an act to change the time of convening the general assembly; which was read and ordered to a second reading.

Mr Reese, from the committee on internal improvement and inland navigation, to whom was referred that portion of the Governor's message in relation to the two per cent. fund, reported by direction of the committee, a bill to be entitled an act to accept the two per cent. fund; which was read and ordered to a second reading.

Mr Reese offered the following preamble and resolution:

Whereas, by a resolution of Congress, approved September 1, 1841, the State of Alabama is entitled to two hundred and forty copies of the printed volumes of the sixth census of the people of the United States: Therefore.

**RESOLVED**, that the committee on education be instructed to report a bill for the purpose of distributing them throughout the State; which was adopted.

Mr Andress, from the select committee, to which was referred a bill allowing compensation to certain persons, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment was adopted by the Senate.

Mr Thornton offered the following amendment to the bill, to wit: Provided, that the owner of the horse or horses shall produce satisfactory evidence to the Comptroller of public accounts, authenticated in such manner as he may require, that the loss to be reimbursed was from unavoidable causes, and not from the neglect of the owner of such horse.

On motion of Mr Jones, the bill together with the amendment, was recommended to the select committee.

And at the suggestion of Mr Creagh, Mr Baylor was added to said committee.

Message from the House of Representatives.

Mr President: The House of Representatives have read three several times, bills which originated in the House of Representatives of the following titles, to wit:

An act to incorporate the town of Warrenton, in the county of Marshall.

An act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved Jan. 9, 1841.

An act to authorise Allen Woolley to erect a gate across a certain public road therein named.

An act to amend the laws for assessing and collecting the taxes in the county of Butler, and for other purposes.

An act to declare Bear creek a public highway.

An act to establish a ware-house for the inspection of tobacco, in the town of Decatur, in this State.

An act to change the time of appointing tobacco inspectors for the county of Lauderdale: in all of which the concurrence of the Senate is respectfully asked.

Engrossed bill from the House of Representatives to be entitled an act to change the time of appointing tobacco inspectors for the county of Lauderdale.

dale, was read three several times, the constitutional rule being dispensed with, and passed. Ordered, that the title remain as aforesaid, and that the Senate be acquainted therewith.

Bills from the House of Representatives of the following titles, to wit:

An act to establish a ware-house for the inspection of tobacco, in Decatur, in this State.

An act to declare Bear creek a public highway.

An act to authorise Allen Woolley to erect a gate across a certain public road therein named.

An act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved Jan. 9, 1841.

An act to incorporate the town of Warrenton, in the county of Marshall, were severally read and ordered to a second reading.

A bill from the House of Representatives to be entitled an act to amend the laws for assessing and collecting the taxes in the county of Butler, and for other purposes, was read three several times, the constitutional rule being dispensed with, and passed. Ordered, that the title remain as unchanged, and that the Senate be acquainted with the passage of the same.

Mr Hall introduced a bill to be entitled an act to provide for the removal of the seat of government, which was read and ordered to a second reading.

Mr Dent presented the account of R. W. Barber, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Phillips, **RESOLVED**, that the judiciary committee inquire into the expediency of modifying the punishment of mayhem; reducing to less than imprisonment in the penitentiary for dismemberment of fingers during a personal combat.

On motion of Mr Hall, **RESOLVED**, that the committee on the judiciary be instructed to inquire into the expediency of having biennial sessions of the general assembly, and that they report by bill or otherwise.

Mr Womack introduced a bill to be entitled an act to secure a homestead to every family within this State; which was read and ordered to a second reading.

On motion of Mr Reese, the vote taken on yesterday referring certain documents to the committee on federal relations, was reconsidered.

On motion of Mr Reese, the memorial of the directors of the New-York Lyceum, was referred to the committee on education.

On motion of Mr Reese, the message of the Governor and the remaining documents accompanying it, were recommitted to the committee on federal relations.

Mr Reese, from the special committee to whom was referred joint resolutions in relation to the exchanging Porter's Reports for a number of Aikin's Digest of the Laws of the State, reported a substitute therefor; which was read a first time.

Mr Creagh moved to amend by adding 10 copies to Clarke county; five to Limestone; ten to Madison; six to Marshall; six to Blount; ten to Macon; five to Tallapoosa; ten to Montgomery; fifteen to Talladega; five to Henry; five to Dale; and the balance to be distributed among the counties that may not have been supplied.

The substitute, together with the amendment offered, was on motion of Mr Hall, recommitted to a select committee.

Whereupon, messrs Hall, Turner and Reese were appointed said committee.

Mr Hall, from the committee on the penitentiary, to whom was referred a joint resolution proposing to reduce the salary of the warden of the penitentiary, reported a substitute and recommended its adoption; which on motion of Mr McConnell, was laid on the table.

Message from the House of Representatives by Mr Tunstall.

Mr President: I am directed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of going into the election of a judge of the county court of Franklin county.

The Senate thereupon repaired to the House of Representatives, were seated, and the President announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a judge of the county court of Franklin county: CORDY N. SKINNER, MICAJAH TARVER, LEMUEL COOK and HENRY C. JONES being in nomination.

Those who voted for Mr Skinner, are messrs Address, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack of the Senate; and messrs Barker, Barron, Bradley, Broughton, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Erwin, Ford, Garland, Gresham, Griffin of M. Griffin of S. Harris, Hunter, Jones of Con. Jefferson, Jemison, Justice, Kidd, Mason, B. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norwood, Rhodes, Scott, Smith of Tus, Spruill, Storrs, Walker, Ware and Young.

Those who voted for Mr Tarver, are messrs Davis of L., Hall, Houston, James, Norman, Norris, Perkins, Phillips, Reynolds, Valliant and Walker of L. of the House.

Those who voted for Mr Cook, are messrs Hudson and McAllister of the Senate; and messrs Bishop, Burleson, Gardner, Heflin, Marchbanks, McMillion of J. Smith of J. and Taylor of the House.

Those who voted for Mr Jones are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall Jones, McClanahan, McConnell, Reese, Toulmin and Turner, of the Senate, and messrs Speaker, Alexander of Lowndes, Allen, Armbrister, Clemens, Davis of B. Fletcher, Griffin of J. Hammond, Haughton, Hunter, Jones of Cov. Jones of M., Kennedy, McAllister, B. McAlpin, McLeod, McMillion of B. Morgan, Musgrove, Randolph, Rice, Rogers, Rushing, Smith of Laud., Steele, Strode, Stinson, Troup, Walker of B., Winston, Woodward, Wynn and Yancey, of the House.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election.

Those who voted for Mr Skinner, are messrs Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate; and messrs Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gardner, Garland, Gresham, Griffin of S. Hall, Harris, Hunter, Jones of Con. Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Phillips, Rhodes, Scott, Smith of T. Storrs, Wallace, Ware and Young.

Those who voted for Mr Tarver, are messrs Cochran, Houston, James, Norman, Reynolds and Walker of L.

Those who voted for Mr Cook, are Mr Hudson of the Senate, and messrs Alexander of Laud., and Griffin of M.



Those who voted for Mr Jones, are messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Jones, McAllister, McClanahan, McConnell, Reese, Toulmin and Turner of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Ambrister, Bishop, Burleson, Clemens, Davis of B., Davis of L., Fletcher, Griffin of J., Hammond, Haughton, Heflin, Henslee, Jones of Cov. Jones of M. Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Morgan, Musgrove, Randolph, Rice, Rodgers, Rushing, Smith of J. Smith of Laud. Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B. Winston, Woodward, Wynn, and Yancey, of the House.

No one of the candidates having received a majority of votes, the two Houses proceeded again to the election.

Those who voted for Mr Skinner, are messrs Andress, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack of the Senate; and messrs Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Garland, Gresham, Griffin of S. Hall, Harris, Hunter, Jones of Cov. Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Spruill, Storrs, Wallace, Ware and Young.

Those who voted for Mr Jones, are Mr President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Toulmin, Turner and Wilson of F. of the Senate; and messrs Speaker, Alexander of Lowndes, Alexander of Laud., Allen, Ambrister, Bishop, Burleson, Clemens, Cochran, Davis of L. Fletcher, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Henslee, Houston, James, Jones of Cov. Jones of M. Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Morgan, Musgrove, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J. Smith of Laud. Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker, of B. Walker of Law. Winston, Woodward, Wynn and Yancey.

Henry C. Jones having received a majority of votes, Mr Speaker declared him elected judge of the county court of Franklin county, for the ensuing six years.

The Senate then withdrew from the Hall of the House, and repaired to the Senate Chamber.

Mr President resumed the Chair, and the Senate again proceeded to business.

Mr Foster then arose and announced to the Senate the death of the Hon. John H. Garrett, a member of the House of Representatives from the county of Cherokee, and in relation thereto, offered the following resolutions; which were unanimously adopted.

1. **RESOLVED**, that the Senate deeply deplore the death of the Hon. John H. Garrett, a member of the House of Representatives from the county of Cherokee.
2. **RESOLVED**, that we sympathise with his bereaved family in this painful dispensation of Providence.
3. **RESOLVED**, That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning round the left arm for thirty days.
4. **RESOLVED**, that a committee be appointed on the part of the Senate, to

act with such committee as may be appointed on the part of the House of Representatives to superintend the funeral arrangements.

5. **RESOLVED**, that the members of the Senate will meet in the Hall of the House of Representatives at 9 o'clock to-morrow morning, to join in the funeral procession.

6. **RESOLVED**, that the Senate do now adjourn until 10 o'clock on Friday morning next.

Messrs Foster, McConnell and Clarke were appointed a committee of arrangements on the part of the Senate.

The Senate then, in accordance with the foregoing resolutions, adjourned until Friday morning 10 o'clock.

FRIDAY, NOV. 11, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented the petition of sundry citizens of Franklin county, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Hudson presented the account of Joseph Young, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the expediency of changing the mode of electing the President and Directors of the State bank and its branches, so as to conform as near as practicable to the recommendation of the Executive, reported a bill to be entitled an act to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches; which was read and ordered to a second reading.

Message from the House of Representatives.

Mr President: The House of Representatives have adopted the following memorial and joint resolution, to wit:

To the Congress of the United States in relation to the lands lying in Jackson county, south of the Tennessee river; which were read a first time and placed among the orders of the day.

Mr Toulmin, from the committee on the State bank, to which was referred so much of the Governor's message as relates to changing the number and mode of electing the President and Directors of the State bank and its several branches, reported that the subject referred to in this resolution was already embraced in a bill now before the Senate; the committee therefore asked leave to be discharged from the further consideration of the resolution; which was agreed to.

Mr President laid before the Senate the report of the commissioners appointed by the Governor to examine into the affairs and condition of the branch of the bank of the State of Alabama at Huntsville, the reading of which was dispensed with, and on motion of Mr Hudson, ordered to lie upon the table.

Mr President laid before the Senate the report of the Cashier of the bank of the State of Alabama, exhibiting the indebtedness to said bank for the year ending the 30th October, 1841; the reading of which was dispensed with, and of motion of Mr Hudson, ordered to lie on the table.

Mr Hall presented the account of Boliver Smith and M. E. Hardy, the

reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Turner presented the memorials of John H. Lewis, George Cox, and Benjamin Patterson; the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Clarke introduced a bill to be entitled an act to prohibit members of the general assembly from recommending promissory notes and bills of exchange for discount; which was read a first time and ordered to a second reading. Yeas 23, Nays 3.

Those who voted in the affirmative are messrs President, Andress, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hudson, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Thornton, Wilson of J. and Womack.

Those who voted in the negative are messrs Brindley, Jones and Rodgers.

Mr Phillips offered a joint resolution authorising the State bank and branches to reduce the State liabilities; which was read and ordered to a second reading.

Mr Oliver introduced a bill to be entitled an act in relation to the dividend of this State in the public land fund; which was read and ordered to a second reading.

Mr Terry introduced a bill, to be entitled an act to alter the mode of assessing and collecting the taxes for Limestone county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Terry, referred to the judiciary committee.

Mr Oliver presented the account of Buford & Johnson, assignees of Wm. Y. Fryer; the reading of which was dispensed with, and on motion, referred to the committee on Indian expenditures.

Mr Reese from the committee on retrenchment, to whom was referred a resolution instructing them to inquire into the expediency of reducing the wages of the warden of the penitentiary for the first year, and to report by bill or otherwise: reported, that inasmuch as the object intended to be accomplished is embraced in joint resolutions now before the Senate, thus asked leave to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Reese from the same committee, to whom was referred so much of the Governor's message as relates to the rights of minorities, reported that the committee wished to be discharged from the further consideration of the subject; which was agreed to by the Senate, and the committee discharged.

On motion of Mr Andress: **RESOLVED**, that the committee on the judiciary be instructed to inquire as to the expediency of taxing suits in the courts of chancery, for the benefit of sheriffs attending on the same, and that they report by bill or otherwise.

On motion of Mr Thornton, it was resolved by the Senate, that for the future, five members of the judiciary committee, should constitute a quorum to do business.

A similar motion was made by Mr Turner, in relation to the State bank committee, which was agreed to.

On motion of Mr Turner, leave was granted to add another member to the committee on county boundaries; Mr Foster was then on Mr Turner's motion added to said committee.

Mr Brindley introduced a bill, to be entitled an act for the benefit of Sally Partain, wife of Ja's Partain, which was read and ordered to a second reading.

On motion of Mr Brindley, it was resolved that the committee on the judiciary be instructed to inquire into the expediency and constitutionality of repealing any act, giving the privilege of turnpiking roads and charging therefor, when said roads may not be kept in order, as contemplated therein.

On motion of Mr Creagh: **RESOLVED**, that the committee on the judiciary be instructed to inquire into the expediency of amending the existing law, so that a longer time shall be required before accounts and notes shall be barred from collection.

On motion of Mr Dailey: **RESOLVED**, that the committee on the penitentiary, be instructed to inquire into the propriety of repealing the 4th section of the 14th chapter of a bill entitled an act to regulate punishments under the penitentiary system, and that they report by bill or otherwise.

A bill from the House of Representatives, to be entitled an act to change the time of holding the winter term of the county court of Butler county; was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed. Ordered, that the title of the same remain as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to provide for the election of a tax collector of the county of Marshall, and

An act to authorize the circuit court of Butler county to remain in session two weeks, were severally read a second time, and ordered to a third reading.

A bill, to be entitled an act to repeal the general ticket system in elections for representatives to Congress from the State of Alabama, was read a second time; and on motion of Mr Hudson, referred to a select committee, whereupon messrs King, Hudson, and Turner, were appointed said committee.

Engrossed bill, to be entitled an act to ascertain and fix permanently the lines between the counties of madison and Jackson; was read a 3d time, and on motion of Mr Turner, amended by an additional section, by way of engrossed rider, as therein shewn: the question on the passage of the bill, was then put and carried in the affirmative. Ordered, that the title remain as aforesaid.

Engrossed bill, to be entitled an act to establish election precincts in the county of Chambers, Lowndes, Dale, Henry, Franklin, Talladega, mobile, Benton, Tallapoosa, and for other purposes; was read a third time and passed.

On motion of Mr Hudson, the caption was amended, so as to read: To establish certain election precincts therein named, and for other purposes.

Engrossed bill, to be entitled an act to establish a road court in the county of mobile; was read a third time and passed. Ordered that the title remain as aforesaid.

Engrossed bill, to be entitled an act for the relief of Richard G. Earle, was read a third time and passed. Yeas 19. Nays 8.

Those who voted in the affirmative, are messrs President, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Thornton, and Womack.

Those who voted in the negative, are, messrs Address, Brindley, Dailey, King, Rodgers, McClanahan and Wilson of F.

Ordered, that the title remain as aforesaid.



Engrossed bills of the following titles, to wit: An act to authorize the Comptroller of public accounts, to draw his warrant on the Treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the 2d judicial circuit, and

An act to confirm the will of Thomas Murphy, dec'd, were severally read a third time and passed. Ordered, that the titles of the same remain unchanged.

Joint resolutions of the General Assembly, concerning purchasers of 16th sections; were read a second time, and on motion of Mr Phillips, referred to a select committee; whereupon messrs Phillips, Thornton, and Turner were appointed said committee.

A bill, to be entitled an act to accept the two per cent fund was read a second time, and on motion of Mr Hudson, referred to the committee on federal relations.

Engrossed bill, from the House of Representatives, to be entitled an act to establish a ware house for the inspection of tobacco in the town of Decatur, in this State, was read a second time, and the constitutional rule being dispensed with, was read a third time and passed. Ordered, that the title remain as aforesaid.

Engrossed bill from the House of Representatives, to be entitled an act to declare Bear creek a public highway; was read a second time, and on motion of Mr Baylor, referred to the committee on internal improvement and inland navigation.

Engrossed bill from the House of Representatives, to be entitled an act to authorize Allen Woolly, to erect a gate across a certain public road therein named, was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed. Ordered, that the title of the same remain as aforesaid.

A bill from the House of Representatives, to be entitled an act to repeal in part and amend an act entitled an act to wind up the Courtland land office, was read a second time, and on motion of Mr Creagh, referred to a select committee; whereupon messrs Creagh, Hudson, and Turner, were appointed said committee.

A bill from the House of Representatives, to be entitled an act to incorporate the town of Warrenton, in the county of Marshall, was read a second time and the constitutional rule being dispensed with, was read a third time and passed. Ordered, that the title remain unchanged.

A bill, to be entitled an act to provide for the removal of the seat of government, was read a second time, and ordered to be engrossed for a third reading on to-morrow. Yeas 16—Nays 12.

Those who voted in the affirmative, are, messrs Andress, Clarke, Creagh, Dailey, Foster, Hall, Hunter, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner and Womack.

Those who voted in the negative, are, messrs President, Baylor, Brindley, Buford, Dent, Hudson, Jones, King, McClanahan, Rodgers, Thornton, and Wilson of Fayette.

A bill, to be entitled an act to secure a homestead to every family in this State, was read a second time, and on motion of Mr King, referred to the committee on the judiciary.

A memorial and joint resolutions to the Congress of the United States in

relation to the lands lying in Jackson county, south of the Tennessee river; was read a second time, and on motion of Mr Phillips, referred to the committee on federal relations.

On motion of Mr Dent, the report of the Comptroller of public accounts in relation to the contingent fund, was taken from the table and referred to a select committee; whereupon messrs Dent, Hudson and McConnell, were appointed said committee.

Mr Oliver introduced a bill, to be entitled an act in relation to prairie roads in Montgomery and Lowndes; which was read and ordered to a second reading.

A bill, to be entitled an act to authorise Norborne E. Chandler, of Sumter county, to sell goods, wares and merchandize in said county, without license, was read a second time and ordered to be engrossed for a third reading.

A bill, to be entitled an act in relation to the 16th section in township 10, of range 5, in the county of Wilcox, was read a second time and ordered to be engrossed for a third reading.

A bill, to be entitled an act to fix, and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, in the city and county of Mobile, was read a second time, and ordered to be engrossed for a third reading.

A bill, to be entitled an act to change the time of convening the General Assembly; was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to exempt certain persons from road duty, was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, NOV. 13, 1841.

The Senate met pursuant to adjournment.

Mr Thornton from the judiciary committee, to which was referred the memorial of Robert Douglass, setting forth a gross fraud practiced upon him in the article of marriage, consisting in the concealment of the fact, that his wife, whom he believed to be a virgin, was unlawfully *inciente* by another, and praying for the enactment of a law for his relief, in the premises: reported, that it was inexpedient to legislate upon the subject. The committee respectfully suggested that however proper it might be, to add to the number of cases now provided by law, in which a divorce may be obtained, that of a fraud like the one set forth in the memorial, yet the case of the memorialist would not be embraced, unless we omitted to apply the salutary rule of evidence now applicable to all cases of divorce, that the confession of the parties cannot be received, since there is no evidence of the fraud complained of brought to our view, by the record submitted with the memorial, except the admission of the wife.

On motion of Mr McConnell, the report was ordered to lie upon the table.

Mr Thornton from the same committee to which was referred a resolution instructing them to enquire into the expediency of having biennial sessions of the General Assembly, reported that it was inexpedient to legislate on the subject; in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law exempting

the property of females from sale for the payment of debts contracted by their husbands previous to marriage; report that it was inexpedient to pass a law for the purpose contemplated in the resolution; which was concurred in by the Senate. Yeas 19—Nays 10.

The yeas and nays being desired:

Those who voted in the affirmative, are, messrs Andress, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Hunter, McAllister, McClanahan, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Wilson of F., and Wilson of J.

Those who voted in the negative, are messrs President, Buford, Dailey, Dent, Hall, Jones, King, McConnell, Ross, and Womack.

Mr Thornton from the same committee, to which was referred a bill, to be entitled an act to regulate the salaries of the solicitors of the 1st and 10th judicial circuits, reported the same back to the Senate, without amendment and recommended its passage—the bill was placed among the orders of the day.

Mr Thornton from the committee, to which was referred a resolution instructing them to revise the tax law of this State, and to report a substitute; as also so much of the Governor's message as relates to taxation for the support of the State government, asked to be discharged from the further consideration thereof, inasmuch as they related to a subject, upon which, by the constitution, legislation must originate in the other branch of the General Assembly; which on motion of Mr Hudson, was ordered to lie upon the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to secure a more speedy collection of debts against incorporations, reported the same back to the Senate, with sundry amendments as therein shown, and recommended its passage in such amended form; which were concurred in.

Mr Baylor moved further to amend by adding the following provision, to wit: Provided, the provisions of this act shall not be applied to the Bank of the State of Alabama and its several branches, nor to the debtors thereof; which was adopted: the question was then taken on ordering the bill to be engrossed for a third reading and carried. Yeas 18. Nays 10.

The yeas and nays being desired:

Those who voted in the affirmative, are, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Toulmin, Wilson, of F. Wilson of J. and Womack.

Those who voted in the negative, are, messrs Dailey, Hall, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton and Turner.

Mr Phillips from the judiciary committee, to which was referred a resolution of enquiry into the expediency of dispensing with protest and notice against the makers of promissory notes and bills of exchange, when the paper is owned by the banks, reported a bill to be entitled an act dispensing with protest and notice in certain cases; which was read and ordered to a second reading.

Mr Hudson from the select committee, to whom was referred a bill to be entitled an act to change the mode of assessing and collecting the taxes for the county of Jackson, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Phillips from the select committee, to which was referred joint resolu-



tions in relation to a recession of the sale of the 16th section in township 7, of range 2, in the St. Stephens land district, reported the same back to the Senate amended as therein shewn, and recommended its passage: the amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr Wilson of J., from the select committee to whom was referred a bill to be entitled an act to ascertain and fix permanently, the line between the counties of Jackson and DeKalb, reported the same back to the Senate and recommended its passage; which was then placed among the orders of the day.

Mr Toulmin from the committee on the State bank, to whom was referred the report of the cashier of the branch bank of the State of Alabama at Mobile shewing the liability of the members of the Senate and members of the House of Representatives, and of the President and Directors to the said branch bank, reported that the committee had examined the same, and instructed him to report it back to the Senate, and recommend that the said report be pointed in connexion with the reports of the several boards of commissioners who had examined the State bank and its branches under Executive appointment; which was concurred in.

On motion of Mr Hudson, one hundred fifty copies of the aforesaid report was ordered to be printed.

Mr Andress, from the select committee to which was referred a bill to be entitled an act, allowing compensation to certain persons; referred the same back to the Senate, amended as therein shewn, and recommended its passage: the amendment proposed by the committee was adopted by the Senate.

Mr Clarke offered an amendment, as an additional section, which was adopted: the bill as amended, was then ordered to be engrossed for a third reading.

Mr Baylor offered a preamble and joint resolutions, in relation to an act of the Congress of the U. States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 4, 1841, which were read, and ordered to a second reading.

On motion of Mr Hudson, **RESOLVED**, that the committee on the State bank be instructed to enquire into the propriety of passing a law, setting apart the sum of five hundred thousand dollars of the capital of the branch of the bank of the State of Alabama at Decatur, as a sinking fund, for the purpose of purchasing her bonds, under such rules and regulations as may seem most advisable; with leave to report by bill, or otherwise.

Mr Reese, from the judiciary committee, to whom was referred so much of the Governor's Message, as relates to the reports of the decisions of the supreme court, reported joint resolutions, authorizing the Secretary of State, to dispose of certain copies of said reports, as therein directed, which was read, and ordered to a second reading.

On motion of Mr Reese, **RESOLVED**; that the chairman of the committee on the State bank and its branches, be instructed to enquire of the cashier of the State bank and its several branches, whether any real or personal property has been received during the year 1841, in payment of any debts due the same; as to what kind, and the balance of the property so received, or purchased: if real estate, where situated; its value and improvements; from whom purchased; together with the name of the drawer and endorser on each note, or bill of exchange thus paid: also the amount of cash advanced; and to



whom, in each case, to enable them to obtain what they consider to be a perfect title; and that the chairman report such information as he may receive to the Senate.

On motion of **MR KING**, the report of the committee on the Penitentiary, in relation to the joint resolution, proposing a reduction in the salary of the Warden of the Penitentiary, was taken from the table.

**MR CREAGH** moved to amend the resolution by striking out the words, "for every year thereof, until otherwise ordered, the salary shall be two thousand dollars."

**MR THORNTON** moved to lay the motion, together with the amendment, on the table; which was lost. Yeas 13, Nays 16.

The yeas and nays being desired; those who voted in the affirmative are, messrs President, Baylor, Dent, Foster, Hall, Hunter, Jones, McConnell, Phillips, Rodgers, Thornton, Turner and Wilson of Jackson.

Those who voted in the negative are, messrs Address, Brindley, Buford, Clarke, Creagh, Dailey, Hudson, King, McAllister, McClanahan, Oliver, Reese, Ross, Toulmin, Wilson of F. and Womack.

The question then recurred on the adoption of the amendment of **MR CREAGH**, which was lost. Yeas 10, Nays 19.

Those who voted in the affirmative are, messrs Address, Brindley, Buford, Creagh, Dailey, McClanahan, Reese, Ross, Wilson of F. and Womack.

Those who voted in the negative are, messrs President, Baylor, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

The report of the committee was then concurred in, and the resolution ordered to be engrossed for a third reading.

On motion of **MR HUDSON** it was **RESOLVED**, that the committee on Roads, Bridges and Ferries, be instructed to enquire into the propriety of reducing the width of lanes, with leave to report by bill or otherwise.

**MR PRESIDENT** laid before the Senate the Comptroller's report of the Alabama Life Insurance and Trust Company, the reading of which was dispensed with, and on motion it was laid upon the table.

**MR FOSTER** offered a memorial to the Congress of the U. States, in relation to a land district in the Chrokee nation, which was read and adopted.

On motion of **MR TOULMIN**, the report from the Branch of the Bank of the State of Alabama at Mobile, containing a tabular statement of the indebtedness to said bank, was taken from the table, and transmitted to the House of Representatives.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to reduce the number, and change the mode of electing the directors of the bank of the State of Alabama and its several branches, being on its second reading, **MR BUFORD** offered a substitute therefor, which, together with the bill, was, on motion of **MR JONES**, postponed until Wednesday next at 11 o'clock, and made the special order for that hour.

A message was received from the House of Representatives, by **MR COOK**.

**MR PRESIDENT**: The House of Representatives have read three several times, and passed bills, which originated in the Senate, of the following titles, to wit:

An act to appoint commissioners to superintend the sale of lots, in the town of Warrenton, in the county of Marshall, and for other purposes.

An act to regulate judicial proceedings in the county court of Mobile county.

They have also read three several times, and passed bills, which originated in the House of Representatives, of the following titles, to wit:

An act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to establish a ferry in Washington county.

An act to change the time of holding the county courts of the county of Randolph.

An act fixing the time of holding justices courts in the counties of Coosa and Autauga, and for other purposes.

An act altering the commissioners' court of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox.

An act authorizing the mode of assessing and collecting the tax of Pike county; in which they ask the concurrence of the Senate.

On motion of Mr Dent the Senate then adjourned until Monday morning 11 o'clock.

MONDAY, 15th Nov. 1841.

The Senate met pursuant to adjournment.

Mr Creagh presented the petition of sundry citizens of the county of Clarke, in relation to a certain 16th section of land therein named; the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Dent presented the account of William Braley, Sheriff of Tuscaloosa county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Andress, from the select committee, to whom was referred a bill to be entitled an act to alter the 1st and 10th judicial circuits, and for other purposes; reported certain amendments as therein shewn, and thus amended, recommended its passage: the amendments were adopted, and the bill ordered to be engrossed for a third reading.

Mr Reese, from the select committee, to whom was referred a joint resolution in relation to the distribution of Aikin's Digest, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment was adopted by the Senate, and the resolution ordered to be engrossed for a third reading.

Mr Toulmin presented the petition from the trustees of the Life Insurance and Trust Company of Mobile, the reading of which was dispensed with, and on motion of Mr Dent, referred to a select committee; whereupon messrs Dent, Toulmin and Baylor, were appointed said committee.

Mr Toulmin introduced a bill to be entitled an act to alter and amend the charter of the Alabama Life Insurance and Trust Company, which was read and ordered to a second reading.

Mr King, from the select committee, to whom was referred the bill to be entitled an act to repeal the General Ticket system in elections for Representatives in Congress, from the State of Alabama; reported, that the committee propose amending the same, by striking out all of said bill that relates

to the repeal of the act of the called session, for a special election, and that he was instructed to ask the concurrence of the Senate.

On motion of Mr Baylor, the report, together with the bill, was ordered to lie upon the table.

Mr Hudson, from the committee on Federal relations, to whom was referred a joint resolution from the House of Representatives, to the Congress of the U. States, in relation to the lands lying in Jackson county, south of the Tennessee river, reported the same to the Senate, without amendment, and recommended its passage. The resolution was read a third time and passed.

Ordered, that the title remain as aforesaid.

Mr Baylor introduced a bill to be entitled an act to secure the bank of the State of Alabama and its several branches, from loss in discounting the bills and notes of insolvent persons; which was read, and ordered to a second reading.

Mr Baylor presented the petition of sundry citizens of this State, in behalf of John M. Cooper, which was referred to the committee on internal improvement and inland navigation.

Mr Brindley presented the petition of O. E. Sims, and others, the reading of which was dispensed with, and on motion, referred to the committee on the State Bank.

Mr Andress presented the accounts of Dixon Hester, jailor of Monroe county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr King: **RESOLVED**, that with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House of Representatives, on Thursday, at 12 o'clock, for the purpose of electing a judge of the county court, for the county of Pickens.

The Senate then took up the orders of the day.

Bills from the House of Representatives of the following titles, to wit:

An act authorizing the commissioners' court of roads and revenue, to establish ferries on the Alabama river, in the county of Wilcox.

An act altering the mode of assessing and collecting the tax of Pike county.

An act fixing the time of holding justice's courts in the counties of Coosa and Autauga, and for other purposes.

An act to change the time of holding the county courts of the county of Randolph.

An act to establish a ferry in Washington county.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes, were severally read, and ordered to a second reading.

A bill to be entitled an act to prohibit members of the General Assembly from recommending promissory notes and bills of exchange, was read a second time, and on motion of Mr Clarke, referred to the State Bank committee.

A joint resolution authorizing the State bank and branches to reduce the State liabilities, was read a second time, and on motion of Mr Hudson, referred to the committee on the State bank.



A bill to be entitle an act in relation to the dividend of this State in the public land fund, was read a second time, and on motion of Mr Hudson, referred to the committee on Federal relations.

A bill to be entitled an act for the benefit of Sally Partain, wife of James Partain, of Blount County, was read a second time and on motion of Mr Creagh, referred to the committee on Divorce and Alimony.

Engrossed bill to be entitled an act to authorize Norborn E. Chandler, of Sumter county, to sell goods, wares, and merchandise in said county, without license, was read a third time and passed.

Ordered, that the title of the same remain unchanged.

A bill from the House of Representatives to be entitled an act to provide for the election of a tax collector, for the county of Marshall, was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bills of the following titles, to wit:

An act to fix, and permanently establish the boundaries of the 48th and 89th Regiments of Alabama militia, in the city and county of Mobile.

An act in relation to the 16th section, in township 10 of range 5, in the county of Wilcox.

An act to exempt certain persons from road duty; were severally read a third time and passed.

Ordered that the titles of the same remain as aforesaid.

Engrossed bill to be entitled an act to change the time of convening the General Assembly, was read a third time and passed. Yeas 19, Nays 6.

Those who voted in the affirmative are, Messrs President, Address, Brindley, Buford, Clarke, Dailey, Dent, Hudson, Hunter, Jones, McClanahan, McConnell, Oliver, Phillips, Ross, Thornton, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative are, Messrs Creagh, Foster, Hall, King, McAllister and Womack.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to provide for the removal of the seat of government, being on its third reading, it was, on motion of Mr. Dent, postponed until Monday next, 11 o'clock, and made the special order for that hour. Yeas 21, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Andres, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, McClanahan, Oliver, Phillips, Ross, Rodgers, Thornton, Wilson of F. and Wilson of J.

Those who voted in the negative are, Messrs Dailey, Hall, McAllister, McConnell, Reese, Toulmin, Turner and Womack.

Bills of the following titles, to wit:

An act in relation to prairie roads, in the counties of Montgomery and Lowndes.

An act to regulate the salaries of the Solicitors of the first and tenth judicial circuits.

An act to fix permanently the line between the counties of Jackson and DeKalb.

An act dispensing with protests and notice on bills of exchange and prom-



issory notes, when the paper is owned by the banks, were each read a second time, and ordered to be engrossed for a third reading.

A joint resolution in relation to the reports of the decisions of the Supreme Court of the State of Alabama, was read a second time, and ordered to be engrossed for a third reading.

A bill from the House of Representatives to be entitled an act to authorise the circuit court of Butler county, to remain in session two weeks, at its March term, 1842, was read a third time, and passed.

Ordered that the title of the same remain unchanged.

Engrossed bill to be entitled an act to secure more speedily, the collection of debts against incorporations, was read a third time, and passed. Yeas 15, Nays 13.

Those who voted in the affirmative are, Messrs President, Baylor, Buford, Clarke, Creagh, Foster, Hudson, Jones, McClanahan, McAllister, McConnell, Rodgers, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs Address, Brindley, Dailey, Hall, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Turner.

Ordered, that the title remain as aforesaid.

Engrossed bill to be entitled an act to change the mode of assessing and collecting the taxes for the county of Jackson, was read a third time.

Mr Jones moved to refer the bill to a select committee, which was lost.

Mr Buford offered an amendment, by way of engrossed ryder, which was adopted, and the question was then taken on the passage of the bill, and carried.

Ordered that the title remain as aforesaid.

Joint resolutions of the General Assembly of the State of Alabama, concerning purchasers of 16th sections, was read a third time, and on motion of Mr Creagh, ordered to lie upon the table.

A bill to be entitled an act allowing compensation to certain persons, was read a third time, and passed. Yeas 21; Nays 8.

Those who voted in the affirmative are, Messrs President, Address, Baylor, Brindley, Clarke, Creagh, Hall, Hudson, Hunter, Jones, King, McAllister, McConnell, Oliver, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, Messrs Dailey, Dent, Foster, McClanahan, Phillips, Reese, Rodgers and Wilson of F.

Ordered, that the title of the bill remain unchanged.

Joint resolutions of the General Assembly of the State Alabama, in relation to an act of the Congress of the U. States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved September 4th 1841, was read a second time, and motion of Mr Baylor, referred to the committee on federal relations.

A joint resolution in relation to the salary of the Warden and deputy Warden of the Penitentiary, was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

A message was received from his Excellency, the Governor, by Mr J. D. Bagby, his private secretary.

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EXECUTIVE DEPARTMENT, }  
TUSKALOOSA, Nov. 15, 1841. }

SIR: I have the honor to lay before the Senate, the accompanying communication from the Hon. C. C. Clay, resigning his seat in the Senate of the United States.

A. P. BAGBY.

HON. NATHANIEL TERRY, President of the Senate.

The accompanying communication was read, and on motion of Mr Hudson, ordered to lie upon the table.

Mr Turner moved to print five hundred copies thereof.

Mr Terry, to print two thousand copies.

Mr Wilson of J. called for a division of the question; which was taken on printing. Yeas 14—Nays 15.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Clarke, Creagh, Foster, McClanahan, McAllister, McConnell, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Address, Buford, Dailey, Dent, Hall, Hudson, Hunter, Jones, King, Oliver, Phillips, Reese, Ross, Thornton and Womack.

So the House refused to print.

Mr Hudson moved to have it spread upon the journal of the Senate; which was carried. Yeas 20—Nays 9.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Address, Buford, Dailey, Hall, Hunter, King, Ross, Thornton and Womack.

The following is the communication above alluded to:

HUNTSVILLE, Nov. 12, 1841.

SIR: I am constrained by circumstances of a personal and domestic nature, which cannot consistently be disregarded, to retire from the public service.— You will please accept this as the resignation of my seat in the Senate of the United States. I have for some time past apprehended that circumstances beyond my control would compel me to adopt this course; and have frequently expressed my apprehension to friends—more especially since my last return from the seat of the General Government. It seemed, however, to be the general wish of those with whom I have communicated, that I should postpone a determination on the subject, as long as might be consistent with the public interest, under the hope, kindly expressed, that a favorable change might enable me to continue in the discharge of my public duties. But the time for decision has arrived; no such change has occurred, and I am compelled to yield to obligations which cannot be cancelled.

I have been long in the public service. It has been my good fortune to have been cheered and sustained throughout by the approving voice of an enlightened, confiding and generous constituency. Whatever changes of political sentiment, or principle, may have taken place elsewhere; and notwithstanding the agitation and excitement which have sometimes prevailed around her, Alabama has never wavered nor faltered: she has stood firmly and immovably by the Republican Faith. She is now where she has ever been.

Yielding to none in the integrity of her political character, the zealous maintenance of her constitutional rights, or her devotion to the cause of popular liberty. The change of relations which is about to take place, inspires me with painful emotions. Under more auspicious circumstances, I should be proud to serve her, as long as I could consistently reflect her sentiments in the national councils.

However, the regret I should otherwise feel for the necessity which imposes on me the course I am about to pursue, is much diminished by the consideration that the principles which it has been my pride and pleasure to sustain throughout my public life, are now in the ascendant. Indeed, were it otherwise, I know not to what sacrifice of feeling as well as interest, I would not submit sooner than withdraw from them my humble support. Although not in power, the Democratic party never was stronger than at the present moment. The people have already detected and passed sentence of condemnation on the frauds by which they were deceived and misled during the last Presidential canvass. They have arisen in the majesty of their strength, and the reaction has been overwhelming from one end of the Union to the other; they have again demonstrated their capacity for self government, and will I trust, never hereafter be defrauded of their suffrages by the ill-omend alliance of parties contending for power without any common principle, and without any avowed system of measures.

To insure the permanent ascendancy of democratic principles, it is only necessary for the people of this quarter of the Union to understand and appreciate the prophetic truth of Mr Jefferson's declaration, that the democracy of the north is the natural ally of the south. To do this, let them but review so much of the executive journal of the late extra session as has been permitted to see the light, and they will there find that the nominations of abolitionists of the most obnoxious characters, were confirmed by the votes of the southern whig Senators, when every northern democrat in his place voted against them.

These and other developements, have conclusively established the charge long since preferred, that a coalition had been formed between southern whig Senators, (not the party generally) and the abolitionists, as well as the federalists of the north.

This extraordinary alliance suggested by the most unprincipled ambition, and consummated by the vilest treachery, should be dissolved. Its dissolution is no less indispensable to the perpetuity of the Union, than it is to the safety of the South.

Although about to retire from their service, my gratitude to the people of Alabama, for the many evidences of their confidence, with which they have honored me, can only terminate with my existence; nor can I ever cease to feel the liveliest interest in the well earned fame of our beloved State, and the deepest solicitude for her prosperity. And though but a private citizen, my faith in the republican creed is unchanged, and unshaken, and I shall ever be found ready to co-operate with my fellow citizens in the support of the principles I have hitherto maintained.

With great respect,

I am, sir, your ob't serv't,

C. C. CLAY.

To His EXCELLENCY, the Governor of Alabama, Tuscaloosa.



On motion of Mr Hudson: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House of Representatives, on Friday the 19th instant, at 12 o'clock, for the purpose of electing a Senator to the Congress United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

On motion of Mr Turner: **RESOLVED**, that the committee on retrenchment be instructed to inquire into the expediency of reducing the per diem pay of members elected to the General Assembly of the State of Alabama, when absent from either House, unless unable to attend from indisposition, for a longer time than three days at any one period during the sitting of the Legislature, with leave to report by bill or otherwise.

Mr Buford introduced a bill, to be entitled an act to change the summer term of Barbour county court, which was read and ordered to a second reading.

Mr Dent introduced a bill, to be entitled an act to change the present mode of electing justices of the peace, which was read and ordered to a second reading.

The Senate then on motion of Mr Wilson of Jackson, adjourned until tomorrow morning 10 o'clock.

TUESDAY, Nov. 16, 1841.

The Senate met pursuant to adjournment.

Mr McConnell from the committee on county boundaries, to whom was referred joint resolutions in relation to the county of Cherokee.

Also, the petition of sundry citizens of Benton county, reported the resolutions back to the Senate and recommended their passage. The resolutions were placed among the orders of the day.

Mr Dent introduced a bill, to be entitled an act to compensate William Brally, sheriff of Tuscaloosa county; which was read and ordered to a second reading.

Mr Baylor from the committee on education, to which was referred a bill to be entitled an act to authorise the relinquishment of 16th sections in certain cases, reported the same back to the Senate, amended as therein shewn, and thus amended, recommended its passage.

Mr Reese moved to amend the amendment proposed by the committee, by striking out the words "four-fifths" where it occurs in the said amendment: which was lost.

Mr Buford moved to amend, by adding after the words "four-fifths" being heads of families and otherwise qualified voters; which was adopted.

Mr Daily moved further to amend, by adding the following: "Provided, it is shewn that the purchasers are insolvent;" which was lost.

The question was then taken on concurring in the report of the committee amended as above stated; which was carried.

On motion of Mr Creagh, the bill was further amended by an additional section as therein shewn. The question was then taken on ordering the bill to be engrossed; which was lost. Yeas 13—Nays 15.

Those who voted in the affirmative, are, messrs President, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, King, McAllister, McConnell, Wilson of F., and Wilson of J.

Those who voted in the negative, are, messrs Address, Buford, Dailey, Hall, Jones, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Womack.



Mr Baylor from the same committee, to whom was referred the petition of sundry citizens of Benton county in behalf of William Raiford and R. R. Chilton, reported a bill for their relief, entitled an act in relation to certain school lands in Talladega, purchased by F. Hall, which was read a first time and ordered to a second reading.

Mr Baylor from the same committee, to whom was referred the petition of sundry citizens of the county of Franklin, in behalf of John A. Bullock, Thomas Miller and Robert Cochran, reported that it was inexpedient to legislate upon the subject, inasmuch as the relief sought by them will be afforded in a general bill, reported by said committee.

On motion of Mr Hudson, the petition was recommitted to the committee on education.

Mr Toulmin presented the account of William McGee, sheriff of Mobile county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Baylor introduced a bill, to be entitled an act to prevent a sacrifice of real estate; which was read a first time.

Mr Hudson moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith; which was lost. The bill was then ordered to a second reading.

On motion of Mr King: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House, on Saturday next, at half past 11 o'clock, A. M. for the purpose of electing a Solicitor for the 7th judicial circuit.

Mr Oliver from the committee on education, to which was referred the resolution in relation to the 240 copies of the printed returns of the sixth census, of the people of the United States, reported a bill to distribute the same throughout the State, which was read and ordered to a second reading.

On motion of Mr Creagh, the joint resolutions of the General Assembly concerning the purchasers of 16th sections, was taken from the table, and on motion of Mr Creagh, another section was added thereto by way of an engrossed rider. The resolutions as amended passed the Senate.

Ordered, that the title of the same remain as aforesaid.

Engrossed bill, to be entitled an act to alter the first 1st and 10th judicial circuits and for other purposes, was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed joint resolutions in relation to the exchange of Porter's Reports for Aiken's Digest of the laws of this State, was read a third time and passed.

Ordered, that the title of the same remain as aforesaid.

A bill, to be entitled an act to alter and amend the charter of the Alabama life insurance and trust company of Mobile, was read a second time and on motion of Mr Toulmin, was referred to the select committee, to whom was referred the petition from the directors of said company on the same subject. The committee consists of messrs Dent, Toulmin and Baylor.

A bill, to be entitled an act better to secure the bank of the State of Alabama and its several branches from loss in discounting the bills and notes of insolvent persons, was read a second time.

Mr Buford offered an additional section thereto, which together with the bill, was on motion of Mr Hudson, referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, to be entitled an act au-

authorising the commissioners court of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox, was read a second time, and on motion of Mr Baylor, referred to the committee on roads, bridges and ferries.

Engrossed bill from the House of Representatives, to be entitled an act altering the mode of assessing and collecting the taxes of Pike county, was read a second time and ordered to a third reading.

A bill from the House of Representatives, to be entitled an act, fixing the time of holding justices courts in the counties of Coosa and Autauga, was read a second time, and on motion of Mr Hall, ordered to lie upon the table.

Bills from the House of Representatives of the following titles, to wit:

An act to ascertain and fix a suitable site for the permanent location of the court-house in Covington county, and for other purposes.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to establish a ferry in Washington county, and

An act to change the time of holding the county courts of the county of Randolph; were severally read a second time and ordered to a third reading.

Engrossed bills of the following titles to wit:

An act to ascertain and fix permanently the line between the counties of Jackson and DeKalb.

An act dispensing with protest and notice in certain cases.

An act to regulate the salaries of the Solicitors of the 1st and 10th judicial circuits, and

An act in relation to prairie roads in the counties of Montgomery and Lowndes, were severally read a third time and passed.

Ordered, that the titles of the same remain as aforesaid.

Joint resolutions, in relation to the Reports of the decisions of the supreme court of the State of Alabama, were read a third time and passed.

Ordered, that the title remain as aforesaid.

A bill, to be entitled an act to change the summer term of Barbour county court; was read a second time and ordered to be engrossed for a 3d reading.

A bill, to be entitled an act to change the present mode of electing justices of the peace; was read a second time, and on motion of Mr Dent, ordered to lie upon the table.

Mr Jones from the committee on education, to whom was referred so much of the Governor's message as relates to the repeal of the law appropriating two hundred thousand dollars in aid of valueless 16th sections; reported a bill, to be entitled an act to raise a school fund to aid valueless 16th sections in this State; which was read a first time and ordered to a second reading. Yeas 19—Nays 10.

Those who voted in the affirmative, are, messrs President, Andress, Baylor, Clarke, Creagh, Dent, Hudson, Hunter, Jones, King, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of F., and Womack.

Those who voted in the negative, are, messrs Brindley, Buford, Dailey, Foster, Hall, McAllister, McClanahan, McConnell, Rodgers and Wilson of J.

Mr Turner from the committee on roads, bridges and ferries, to whom was referred a bill to authorise the commissioners court of roads and revenue, to establish ferries on the Alabama river, in the county of Wilcox; reported the same back to the Senate and recommended its passage. The bill was read a third time and passed.

Ordered, that the title remain as aforesaid.

Joint resolutions in relation to the county of Cherokee, were read a second time.

Mr Baylor moved to strike out the third section, which was lost.

The question was then taken on ordering the resolutions to be engrossed for a third reading, which was carried. Yeas 18—Nays 10.

Those who voted in the affirmative, are, messrs President, Andress, Brindley, Buford, Dent, Foster, Hall, Hunter, McAllister, McConnell, Oliver, Phillips, Ross, Thornton, Turner, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative, are, messrs Baylor, Clarke, Creagh, Dailey, Hudson, Jones, McClanahan, Reese, Rodgers and Toulmin.

Mr Oliver introduced a bill, to be entitled an act in relation to the establishment of and discontinuance of roads, which was read and ordered to a second reading.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOV. 17, 1841.

The Senate met pursuant to adjournment.

Mr Hudson from the committee on accounts and claims, to whom was referred the account of John H. Lewis and George Cox; reported, that in the opinion of the committee, the same was not properly a State charge and therefore ought not to be allowed; in which the Senate concurred.

Mr Toulmin from the committee on the State bank, to whom was referred the petition of O. L. Sims, J. Chaney and John Smiley; reported, that it was inexpedient to legislate upon the subject.

On motion of Mr Brindley, the report was ordered to lie upon the table.

Mr Brindley then asked to withdraw the petition, which was granted.

Mr Hudson from the committee on accounts and claims, to whom was referred the account of Boliver Smith, and M. E. Handy, reported the same back to the Senate, as not being properly authenticated, and therefore asked leave to be discharged from the further consideration thereof, in which the Senate concurred.

On motion of Mr Hall, the account was withdrawn.

Mr Toulmin from the committee on the State bank, to whom was referred a joint resolution authorising the State bank and branches to reduce the State liabilities, reported the same back to the Senate and recommended its passage. The bill was then placed among the orders of the day.

Mr Toulmin from the committee on the State bank, to whom was referred a bill to be entitled an act to prohibit members of the General Assembly from recommending promissary notes and bills of exchange, reported the following amendment, to come in after the word Assembly, to wit: "knowing them to be such." Also an additional section as therein shewn.

On motion of Mr King, the vote was taken on concurring in the first amendment proposed by the committee; which was lost.

The second amendment was concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Baylor from the committee on the State bank, to which was referred a resolution instructing them to enquire into the expediency of passing a law authorising the President and directors of the several banks, to make the best possible arrangement in settling the old suspended debt of said banks; report-



ed a bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its several branches; which was read a first time.

Mr Dent moved to suspend the constitutional rule requiring bills to be read on three several days; which was carried. The bill was then read a second time.

On motion of Mr Dent, one hundred and thirty-three copies of the bill were ordered to be printed.

Mr Toulmin, chairman of the committee on the State bank, reported that in obedience to a resolution of the Senate on that subject, he had corresponded with the cashier of the bank of the State of Alabama, and the cashiers of the several branch banks thereof, in relation to the salaries paid the different officers of said bank and branches during the year 1841, and had received an answer from each of said cashiers; which was submitted to the Senate for their consideration.

The communications were severally read, and on motion of Mr. Hudson, ordered to lie on the table.

A message was received from the House of Representatives.

Mr President: The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a judge of the county court of Pickens county.

The hour of 11 o'clock having arrived, the Senate took up the special order of the day, it being a bill to reduce the number and change the mode of electing the directors of the bank of the State of Alabama, and its several branches—together with the amendment of Mr Buford thereto.

On motion of Mr McConnell, the special order was suspended.

Mr McConnell offered the following resolution:

Resolved, that with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Monday the 22d inst. at 12 o'clock, for the purpose of inaugurating the Governor elect; which, on motion Mr McClanahan, was ordered to lie upon the table.

On motion of Mr Hudson: **RESOLVED**, by the Senate, that the cashier of the branch bank of the State of Alabama at Mobile, be requested to furnish forthwith, a copy of the whole proceedings of the present board of directors, relative to the agreement to purchase the bills of Franklin Shaw, to be drawn on England and New York, the names of directors then present, when such bills were purchased, and who absent, upon whom drawn and accepted, the endorsers or securities to the same, the date that each bill so taken, the amount paid at maturity, the amount protested, the amount unpaid at this time, and how secured.

On motion of Mr McClanahan: **RESOLVED**, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor elect, and know of him at what time it will suit his convenience to be inaugurated; whereupon messrs McConnell, McClanahan and Hudson, were appointed said committee.

On motion of Mr Hudson, the Senate then resumed the consideration of the special order.

The amendment heretofore offered by Mr Buford, being under consideration; which was rejected by the Senate.



Mr Phillips offered the following amendment, to come in at the end of the second section, to wit: "and in all elections made in pursuance of this act a majority of two-thirds of those voting, shall be necessary to a choice."

Also, an additional section to said bill.

Mr Baylor moved to postpone the bill together with the amendment, until Friday next, and make it the special order for that day, at 11 o'clock.

Mr Buford offered another amendment, which was declared by Mr President to be out of order, from which decision Mr Buford took an appeal to the Senate. The question was then put, "Shall the decision of the chair remain as the sense of the Senate, which was decided in the affirmative."

The question then recurred on Mr Baylor's motion to postpone, which prevailed.

The Senate then took up the regular orders of the day.

A bill, to be entitled an act in relation to certain school lands in Talladega purchased by F. Hall, was read a second time, and ordered to be engrossed for a third reading.

A bill, to be entitled an act to compensate William Braley, sheriff of Tuscaloosa county, was read second time and on motion of Mr Dent, referred to the judiciary committee.

A bill, to be entitled an act to prevent a sacrifice of real estate, was read a second time, and on motion of Mr Baylor, referred to the committee on the judiciary.

A bill, to be entitled an act to distribute the two hundred and forty copies of the printed returns of the 6th census of the people of the United States, was read a second time.

Mr Reese offered an additional section, which was adopted.

The bill as amended, was then on motion of Mr McConnell, referred to a select committee; whereupon messrs Reese, Dent and McConnell, were appointed said committee.

Bills from the House of Representatives of the following titles, to wit:

An act altering the mode of assessing and collecting the tax of Pike county.

An act to change the time of holding the county courts of the county of Randolph.

An act to establish a ferry in Washington county.

An act to run and mark out the line between the counties of Shelby and Jefferson, and

An act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes, were severally read a third time and passed.

Ordered, that the titles of the same remain as aforesaid.

Engrossed bill, to be entitled an act to change the time of holding the summer term of Barbour county court, was read a third time and passed.

Ordered, that the title of the same remain as aforesaid.

Joint resolutions in relation to the county of Cherokee, were read a third time, and on motion of Mr Baylor recommitted to a select committee, with the following instructions:

Amend, so that the county of Cherokee be liable to pay all the expenses of surveying said county, and that in the event of the attachment of any portion of the county of Benton to the county of Cherokee, that the citizens at this

time residing on said territory, shall be exempt from payment of taxes for the purpose of erecting the public buildings of said county.

A bill, to be entitled an act to repeal an act to raise a school fund in aid of valueless 16th sections, was read a second time, and on motion of Mr Hudson, postponed until Monday next.

A bill to be entitled an act in relation to the establishment of and discontinuance of roads, was read a second time, and on motion of Mr McClanahan, referred to the committee on roads, bridges and ferries.

Joint resolutions authorising the State bank and branches to reduce the State liabilities, were read a second time, and ordered to be engrossed for a third reading.

The orders of the day being disposed of, Mr Dent, presented the account of William Braly, sheriff of Tuscaloosa, the reading of which was dispensed with, and on motion, referred to the judiciary committee.

On motion of Mr Turner: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of passing a law preventing any extra pay being allowed any cashier, clerk, agent, or bank attorney in the bank of the State of Alabama or any of its branches, and should any extra allowance be made by any of the boards of directors of the bank of the State of Alabama or its several branches, such boards of directors or those voting for such allowance, shall be held responsible and liable for the same in law, but if in the opinion of any board of directors of the State bank or branches any extra allowance should be made any cashier, clerk, agent or bank attorney, the same shall be reported to the next meeting of the General Assembly, with instructions to report by bill or otherwise.

Mr Hall, from the committee on the penitentiary, to whom was referred a resolution instructing them to inquire into the expediency of repealing the 4th section of the 14th chapter of a bill entitled an act to regulate punishments under the penitentiary system, reported that it was inexpedient to legislate on the subject.

Mr Dailey moved to disagree to the report of the committee.

Mr Jones moved to lay on the table; which was lost.

The question then recurred on disagreeing; which was lost.

On motion of Mr Reese, the Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 18, 1841.

The Senate met pursuant to adjournment.

Mr William J. Alston, Senator from Marengo, appeared in the Senate chamber and took his seat.

Mr Reese presented sundry documents in relation to Mr Cooper's contract on McGrews Shoals, the reading of which was dispensed with, and on motion referred to the committee on internal improvement and inland navigation.

Mr Dent presented the petition of John G. Pearce and others; which was read, and on motion of Mr Dent, referred to the committee on county boundaries.

Mr Brindley presented the petition of sundry citizens of Blount county, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Brindley presented the account of John H. Henderson of Blount county.

ty, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr McConnell presented the account of George Dickey, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into propriety of setting apart \$500,000 of the capital stock of the branch of the bank of the State of Alabama at Decatur, as a sinking fund, &c. reported that the subject matter of this resolution is embraced in a bill now before the Senate.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr Toulmin, from the same committee, to whom was referred a preamble and joint resolution in relation to the securities and endorsers of George Swink and others, reported that it was inexpedient to legislate further on the subject than is embraced now before the Senate. The committee therefore asked leave to be discharged from the further consideration of the subject.

On motion of Mr Wilson of J., the report, together with the resolutions, was ordered to lie upon the table.

Mr Toulmin, from the same committee to whom was referred so much of the Governor's message as relates to the State bank and its several branches, reported that the subjects referred to are now before the Senate.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr Toulmin, from the same committee to whom was referred so much of the Governor's message as relates to a sinking fund, reported that the subject referred to was embraced in a joint resolution now before the Senate. The report, on motion of Mr Wilson of J., was laid upon the table.

Mr Toulmin, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of liquidating the affairs of the State bank and its several branches, reported that it was inexpedient to legislate further on the subject than was embraced in a bill now before the Senate: in which the Senate concurred.

Mr Reese, from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act to declare Bear creek a public highway, reported the same back to the Senate without amendment and recommended its passage. The bill was read a third time and passed.

Ordered, that the title of the bill remain as aforesaid.

Mr Jones, from the select committee to whom was referred a bill to be entitled an act to amend and explain an act for the relief of Elizabeth Morris, approved 9th January, 1836, reported the same back to the Senate without amendment, and recommended its passage.

Mr Hudson moved to postpone the further consideration of the bill until Thursday next, and make it the special order of the day for 11 o'clock; which was lost.

Mr Baylor moved to strike out all the enacting clause, and insert in lieu thereof, the following:

"That all the estate, both real and personal, of which James D. Wilson, of the county of mobile, died seized or possessed, shall pass to the widow, heirs, or other legal representatives of the said James D. Wilson, in the same manner as if the said Wilson had been a naturalized citizen of the United States.

And be it further enacted, that such persons as would have been capable



in law of inheriting the estate of the said Wilson, who are now citizens of the State of Alabama, shall take the same in such manner as if they had have been naturalized citizens of the United States at the decease of said Wilson."

Mr Jones moved to lay the bill, together with the amendment, on the table; which was lost.

The question then recurred on the adoption of Mr Baylor's amendment; which was lost.

Mr Thornton offered the following amendment, to wit: "Provided that nothing in this act shall be so construed as to prevent Mrs Wilson, the widow of the said James D. Wilson, or those claiming under her, from holding and enjoying one half of the estate of the said James D. Wilson, so purchased.

A message was received from the House of Representatives by Mr Tunsall, inviting the Senate into the hall of the House for the purpose of going into the election of a judge of the county court for the county of Pickens.

Whereupon the Senate repaired to the hall of the House and were seated.

Mr President announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a judge of the county court of the county of Pickens.

HENRY STITH and SAMUEL B. MOORE being in nomination.

Those who voted for Mr Stith, are messrs Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Hunter, Jones, King, McClanahan, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous, and Womack of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Barron, Bradley, Broughton, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Ford, Gresham, Griffin of S., Harris, Haughton, Heflin, Henry, James, Jones of Con. Jefferson, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Moors, Mundy, Norris, Norwood, Phillips, Rice, Rhodes, Rushing, Scott, Smith of T., Spruill, Storrs, Strode, Stinson, Troup, Valliant, Walker, of Law, Wallace, Ware, Woodward, Yancey and Young, of the House—75.

Those who voted for Mr Moore, are messrs President, Baylor, Brindley, Foster, Hudson, McAllister, McConnell, Rodgers, Toulmin, Wilson of F. and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land, Armbrister, Bishop, Burleson, Cain, Clemens, Davenport, Fletcher, Gardner, Garland, Griffin of J. Griffin of M. Hammond, Henslee, Hogan, Houston, Hunter, Jones of Cov. Jones of M. Jemison, King, Marchbanks, McAllister, McMillion of B., McMillion of J., Morgan, Musgrove, Norman, Perkins, Randolph, Reynolds, Rodgers, Smith of J. Smith of Land, Steele, Walker of B., Taylor, Winston, and Wynn of the House.—51.

Mr Stith having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Pickens county, for the term of six years.

The Senate then withdrew to their chamber. Mr President resumed the chair, and proceeded to business.

The amendment of Mr Thornton to the bill for the relief of Elizabeth Morris, still being under consideration, the vote was taken thereon by yeas and nays, and the amendment rejected.

Those who voted in the affirmative are messrs Alston, Address, Buford, Creagh, Dailey, Hunter, McConnell, Oliver, Phillips, Thornton, Toulmin, Watrous, Wilson of J., and Womack—14.



Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, Reese, Ross, Rodgers, Turner and Wilson of F.—16.

Mr Buford offered the following proviso to said bill, to wit: "Provided that those who subsequently to said James D. Wilson's death may have made valuable and permanent improvements on the lands of said Wilson, or lands held by him under claim of title, or their heirs or assigns, shall be entitled to a lien to the extent of the present value of such improvements, considered apart from the lands; which was also rejected.

The bill was then ordered to be engrossed for a third reading.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have rejected the bill from the Senate to prevent the shooting or killing of deer during certain seasons of the year in Limestone county.

The House of Representatives have adopted the following resolution:

Be it resolved, that a committee of five be appointed by this House, one of whom shall visit the branch bank at Decatur, one the branch bank at Huntsville, one the branch bank at Montgomery, one the branch bank at Mobile, and one the bank at Tuscaloosa—whose duty it shall be to investigate fully the several matters specified in the preamble to these resolutions, and report to this body as early as practicable.

Be it further resolved, that the Senate be requested to appoint an equal number from that body to act with the committee appointed by the House.

Whereupon messrs Clemens, Jemison, Walker of L. Young and R. McAlpin, were appointed said committee on the part of the House.

On motion of Mr Hudson, the message was ordered to lie upon the table.

Mr Foster, from the select committee to whom was referred the joint resolution in relation to a survey of the county of Cherokee, with certain instructions, made the following report in conformity with said instructions, to wit: "Strike out the fifth resolution and insert the following.

Be it further resolved, that the expenses attendant on the execution of the provisions herein contemplated, shall be paid by the county of Cherokee.

Be it further resolved, that in the event of the attachment of any portion of the county of Benton to the county of Cherokee, that the citizens at this time residing in the territory, shall be exempt from paying taxes for the purpose of erecting the public buildings of said county of Cherokee; the amendments were concurred in by the Senate.

The question was then taken on the passage of the resolution as amended, by yeas and nays.

Those who voted in the affirmative are, messrs President Brindley, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Ross, Thornton, Turner, Watrous, Wilson of F. Wilson of J. and Womack—17.

Those who voted in the negative are, messrs Andress, Baylor, Clarke, Cragh, Dailey, Hudson, Jones, McClanahan, Reese, Rodgers and Toulmin—11.

The resolutions not having received the constitutional majority of two thirds, were declared by Mr President not to have passed.

Mr Dent made the following report:

The select committee to which was referred the annual report of the Comptroller, have had the same under consideration, and the committee have instructed me to report, that they have examined the account and find that the

Comptroller has been in every instance fully authorised to issue his warrant on the Treasurer, for the amounts set forth in his report. Although the committee are fully satisfied that the amount paid James N. Hayden of four hundred dollars, should not have been paid, it having been rejected by the legislature, which will be more fully shown by the examining committee appointed to examine the Comptroller's and Treasurer's offices, when they shall have made their report. The committee therefore ask leave to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Reese, from the select committee to whom was referred a bill distributing the returns of the sixth census of the people of the United States, reported an additional section to said bill, as therein shewn, and thus amended, recommended its passage.

The amendment was concurred in by the Senate.

Mr Phillips moved further to amend, by adding after the word "State," in the 1st section, these words: "to be kept for the use of their respective counties;" which was adopted.

The bill was then ordered to be engrossed for a third reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed joint resolutions authorising the State bank and branches to reduce the State liabilities, were read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bill to be entitled an act to prohibit members of the general assembly from recommending promissory notes and bills of exchange for discount, was read a third time and passed. Yeas 25—Nays 5.

Those who voted in the affirmative are messrs President, Alston, Baylor, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are messrs Andress, Brindley, Hunter, Reese and Watrous.

Ordered, that the title remain as aforesaid.

Engrossed bill to be entitled an act in relation to certain school lands in Talladega, purchased by F. Hall, was read a third time and passed.

On motion of Mr Buford, the caption of the bill was amended by adding after the name of F. Hall, that if B. R. Chilton.

The orders of the day being disposed of, Mr Oliver's motion to reconsider the vote refusing to order the bill to be entitled an act authorising the relinquishment of 16th sections in certain cases, to be engrossed for a third reading, came up for consideration, and was decided in the affirmative.

On motion of Mr Creagh, the vote taken on the adoption of the amendment heretofore offered by himself as an additional section to said bill, was reconsidered. The question was then taken on the adoption of said amendment; which was lost.

Mr Wilson of F. offered the following amendment to said bill, to wit: Provided any persons claiming the provisions of this act should not be entitled to receive any of the principal or interest, which may have been paid on any 16th section, by him or them.

On motion of Mr Wilson of F. the Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Nov. 19, 1841.

The Senate met pursuant to adjournment.

Mr Watrous presented the petition of sundry citizens of Bibb county, the reading of which was dispensed with, and on motion referred to the committee on county boundaries.

Mr Hudson, from the committee on federal relations, to whom was referred joint resolutions of the general assembly of Alabama, in relation to an act of the Congress of the United States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 14, 1841, reported the same back to the Senate, with a recommendation to strike out the 1st resolution.

Mr Hudson moved to disagree to the report of the committee.

Mr Hunter moved to postpone the further consideration of the whole subject until Monday week, which was lost.

Mr Buford, to postpone until next Wednesday, and make it the special order for 11 o'clock of that day, which was carried.

Mr Hudson from the same committee to whom was referred a bill to be entitled an act to accept the two per cent. fund, reported the same back to the Senate without amendment, and recommended its passage.

On motion of Mr Hudson, the further consideration of the bill, was postponed until Tuesday next, and made the special order for 11 o'clock.

Mr Thornton, from the judiciary committee, to whom was referred a bill to be entitled an act to compensate William Braly, Sheriff of Tuscaloosa county, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Thornton, from the same committee, to whom was referred an act to alter the mode of assessing and collecting the taxes of Limestone county, reported the same back to the Senate, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton, from the same committee, to whom was referred a resolution, instructing them to inquire into the expediency of passing a law, exempting all public officers from any liabilities for official conduct, unless prosecuted within ten years after the expiration of their office, reported, that it was inexpedient to legislate on the subject; in which the Senate concurred.

Mr McClanahan, from the committee on the part of the Senate, appointed to act with such committee as might be appointed on the part of the House of Representatives, to wait on the Governor elect, and ascertain from him, at what time it would suit his convenience to take the oaths of office, reported, that the committee had performed the duty assigned them, and received for answer, that he would be prepared to take the necessary oaths of office on Monday the 22nd instant, which report was laid upon the table.

On motion of Mr Hudson the bill to be entitled an act, better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, was taken from the table and placed among the orders of the day.

Mr Buford presented the account of B. W. Hodges, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

A message was received from the House of Representatives by Mr Cooke.

Mr PRESIDENT: The House of Representatives have read three several



times and passed joint resolutions, which originated in the Senate, in relation to the salary of the Warden and deputy Warden of the Penitentiary; and have amended the same as therein shewn, in which amendments they ask the concurrence of the Senate.

They concur in the resolution from the Senate, appointing a committee to wait on his Excellency, the Governor elect, and know of him when it will suit his convenience to take the oaths of office.

Whereupon, Messrs Reynolds, Young and Morgan, were appointed said committee.

They have also adopted the following resolution:

**RESOLVED**, with the concurrence of the Senate, that a committee be appointed to act with such committee as may be appointed on the part of the Senate, in making appropriate arrangements for the inauguration of the recently elected Governor, at such time as may be agreed to by him and the present Governor, and that said committee be authorized to invite the co-operation of such uniform companies as may be conveniently had, and all functionaries and citizens, in forming such procession as may be deemed advisable.

Whereupon, Messrs Hogan, Perkins, King, Spruill and Phillips, were appointed said committee on the part of the House of Representatives.

They also concur in the resolution of the Senate, proposing to elect a Solicitor of the 7th judicial circuit.

The amendments of the House of Representatives to the joint resolutions in relation to the salary of the Warden and deputy Warden of the Penitentiary, being under consideration, Mr Hudson asked for a division of the question; and the vote was first taken on concurring in the first amendment; which was in these words: "and the same thereafter, until otherwise regulated by law," to come in after the word, "dollars," in the fifth line of said resolutions; which was lost.—Yeas 15, Nays 15.

Those who voted in the affirmative are, Messrs Alston, Address, Brindley, Buford, Clarke, Creagh, Hudson, McClanahan, Reese, Ross, Toulmin, Watrous, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs President, Baylor, Dent, Foster, Hall, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Thornton and Turner.

The question was next on concurring in the second amendment, which was in these words; "**RESOLVED**, further, that a deputy Warden shall not be appointed until directed by the General Assembly;" which was lost.—Yeas 6, Nays 23.

Those who voted in the affirmative are, Messrs Alston, Address, Buford, Clarke, Creagh and Watrous.

Those who voted in the negative are, Messrs President, Baylor, Brindley, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Wilson, of F., Wilson of J. and Womack.

The resolution of the House in relation to the inauguration of the Governor was concurred in by the Senate; and Messrs Turner, Reese, Phillips and McConnell, appointed a committee on the part of the Senate.

On motion of Mr Baylor, the resolutions from the House of Representatives, proposing to raise a joint committee, for the purpose of investigating the affairs of the bank of the State of Alabama and its several branches, was taken from the table.



The hour of 11 o'clock having arrived, the Senate took up the special order, it being a bill to be entitled an act to reduce the number, and change the mode of electing the directors of the Bank of the State of Alabama and its several branches, together with the amendment Mr Phillips thereto.

Mr Jones offered the following, as a substitute for Mr Phillips' amendment, to wit:

Be it further enacted, that any member of either branch of the legislature, may, by motion or resolution, within ten days after the nomination of the Governor shall have been reported, object to one or more of the nominees; and upon such motion or resolution being made, it shall be proper to discuss the character and qualifications of such nominee or nominees—and it shall then require a majority of two thirds of the Senate and House of Representatives, obtained on separate ballot, to confirm the nomination of the nominee or nominees thus objected to, and upon such nomination, or any part of it being rejected, it shall be the duty of the Governor, within five days after such rejection to nominate again the number thus rejected; but no individual shall be nominated a second time; which was rejected.—Yeas 12, Nays 17.

Those who voted in the affirmative are, Messrs President, Andress, Baylor, Buford, Creagh, Hall, Hunter, Jones, King, Oliver, Wilson of F. and Womack.

Those who voted in the negative are, Messrs Alston, Brindley, Clarke, Dent, Foster, Hudson, McAllister, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of Jackson.

The question then recurred on the adoption of Mr Phillips' amendment, which was carried. Yeas 18, Nays 12.

Those who voted in the affirmative are, Messrs Alston, Andress, Clarke, Hall, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous, Wilson of F. and Womack.

Those who voted in the negative are, Messrs President, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hudson, McClanahan, Rodgers, Toulmin and Wilson of Jackson.

The bill as amended was then ordered to be engrossed for a third reading. Yeas 20, Nays 10.

Those who voted in the affirmative are, Messrs President, Andress, Clarke, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs Alston, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hall, Rodgers and Watrous.

Mr King introduced a bill to be entitled an act to incorporate the town Vienna, in the county of Pickens, which was read and ordered to a 2d reading.

Mr McConnell introduced a bill to be entitled an act for the relief of certain citizens of Talladega county, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Factors Press and Ware-house Company, which was read and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act to provide books and stationery for the several Chancery Courts in the State, which was read and ordered to a second reading.

The Senate then took up the orders of the day.

The amendment heretofore offered by Mr Wilson of Fayette, to the bill "to be entitled an act to authorize the relinquishment of 16th sections, in certain cases, being under consideration, the question was taken thereon and the amendment adopted.

Mr Baylor offered the following amendment, which was adopted, to wit: Provided, that no person who shall have obtained a rescission of any contract of sale, shall be allowed to become, either directly or indirectly, the purchaser of said 16th Section, or any portion thereof, at any subsequent sale: and all such sales, if made to such persons, shall be absolutely void in law and equity. The bill as amended, was ordered to be engrossed for a third reading.—Yeas 21, Nays 8.

Those who voted in the affirmative are, Messrs President, Andress, Baylor, Buford, Clarke, Brindley, Creagh, Dent, Foster, Hudson, King, McAllister, McClanahan, McConnell, Oliver, Rodgers, Thornton, Toulmin, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs Alston, Hall, Jones, Phillips, Reese, Ross, Turner and Watrous.

Message from the House of Representatives by Mr Tunstall.

MR PRESIDENT: I am instructed to inform the Senate that the House of Representatives adhere to their amendments to the joint resolutions, in relation to the salary of the Warden of the Penitentiary.

They have appointed a committee of conference on their part, to consist of Messrs Young, Reynolds, Houston, Taylor and Erwin.

Mr Hudson moved that the Senate insist upon their disagreement to the amendments of the House, and appointed a committee of conference on the subject, which was concurred in. Messrs Hunter, Jones, King, Hudson and Hall were appointed said committee.

Engrossed bill to be entitled an act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th of May, 1836, was read a third time.

Mr Toulmin offered the following amendment, by way of engrossed rider; "Provided that nothing in this act shall be so construed, as to prevent the widow of said James D. Wilson, or those claiming under her from holding and enjoying one third of the estate so purchased.

Mr Turner offered the following as an amendment to the amendment, "Provided, further, that the parties claiming under the widow of James D. Wilson, shall pay to Elizabeth Morris, two thirds of the rent of property held by the said parties, from 1836, to the time of her being put in possession of the same, which was lost. The question then recurred on the amendment offered by Mr Toulmin, which was also rejected.

The question was then taken on the passage of the bill, which was carried. Yeas 20, Nays 10.

Those who voted in the affirmative are, Messrs President, Andress, Baylor, Brindley, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McClanahan, Phillips, Reese, Ross, Rodgers, Turner and Wilson of F.

Those who voted in the negative are, Messrs Alston, Buford, Creagh, McConnell, Oliver, Thornton, Toulmin, Watrous, Wilson of J. and Womack.

Ordered that the title remain as aforesaid.

A bill to be entitled an act to distribute the 240 copies of the printed re-

turns of the 6th census of the people of the U. States, was read a third time and passed.

Ordered that the title remain as aforesaid.

A bill to be entitled an act to alter the mode of assessing and collecting the taxes for Limestone county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, being on its second reading, it was, on motion, postponed until Tuesday next.

Mr Reese moved to reconsider the vote, taken yesterday, on the joint resolution in relation to the county of Cherokee, which, on motion of Mr Hudson, was postponed until to-morrow.

Mr Hall moved to adjourn, which was lost.

On motion of Mr Reese, Mr Alston was added to the committee on federal relations.

On motion of Mr Dent, the Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, Nov. 20th, 1841.

The Senate met pursuant to adjournment.

Mr McClanahan, from the committee on military affairs, to whom was referred a resolution, instructing them to inquire into, and report to the Senate, the state and condition of the State arsenal, and the number and condition of the arms therein, reported; that they had examined the State arsenal, and found it secure and in good order, and the number and condition of the arms as follows, to wit:

1 iron six pound cannon and carriage—the carriage damaged.

358 muskets, in good order.

62 muskets, some of which are broken—all of which are in bad order, and boxed up.

111 in good order.

108 bayonets, not fit for use and boxed up.

10 boxes of new muskets and bayonets—25 in each box, in good order.

76 new horseman's pistols, in good order.

18 old horseman's pistols, in good order.

5 ditto broken and not fit for use.

17 horseman's swords and straps, in good order.

11 artillery swords and straps, in good order.

36 packages of breast plate.

20 packages of screw drivers.

16 packages of ball screws.

4 packages of lead, flint end wrappers,

5 packages of spring vices,

2 pistol moulds.

400 holsters.

24 bundles sword straps, ten in each.

362 horseman's cartouch boxes.

30 infantry cartouch boxes.

23 bundles bear skins for holsters, ten in each.

The report, on motion of Reese, was ordered to lie on the table.

Mr Turner from the committee on roads, bridges and ferries, to whom was

referred a bill in relation to the establishment of, and condition and discontinuance of roads, reported the same back to the Senate as inexpedient, asked to be discharged from the further consideration thereof, in which the Senate concurred.

On motion of Mr Dent, the Senate then took up the orders of the day:

Engrossed bill, to be entitled an act further to provide for defraying the expenses of the chancery courts of this State; was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bill, to be entitled an act to reduce the number, and change the mode of electing the directors of the bank of the State of Alabama and its several branches; was read a third time, and on motion of Mr Turner, ordered to lie upon the table.

Engrossed bill, to be entitled an act to authorise the relinquishment of 16th sections, in certain cases; was read a third time and passed: Yeas 15—Nays 8.

Those who voted in the affirmative, are, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, McAllister, McConnell, Rodgers, Thornton, Wilson of F., and Womack.

Those who voted in the negative, are, messrs Alston, McClanahan, Phillips, Reese, Ross, Toulmin, Turner and Watrous.

Ordered, that the title of the bill remain as aforesaid.

Engrossed bill, to be entitled an act to alter the mode of assessing and collecting the taxes of Limestone county; was read a third time and passed.

Ordered, that the title remain as aforesaid.

On motion of Mr Turner, the orders of the day were suspended.

On motion of Mr Turner, the bill to be entitled an act to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches, was taken from the table.

And on motion of Mr Hudson, the further consideration of the same was postponed for the present.

Mr Hunter from the committee of conference, appointed on the part of the Senate, to meet a like committee on the part of the House, reported, that it was by said committee, agreed, that the salary of the warden of the Penitentiary shall be for the year 1842, twelve hundred dollars; for the year 1843, sixteen hundred dollars, and the same thereafter, until regulated by law; and that the Senate agree to the other amendment made by the House to said bill and instructed him to ask and advise the concurrence of the Senate, in which report the Senate concurred.

A message was received from the House of Representatives, informing the Senate that they were now ready to receive them for the purpose of going into the election of a Solicitor of the 7th judicial circuit; whereupon the Senate repaired to the hall of the House and were seated.

Mr President announced the object of the meeting of the two Houses.

The two houses then proceeded to the election of a Solicitor for the 7th judicial circuit.

Messrs SAMUEL F. AUSTILL, WM. M. GREENE, C. E. B. STRODE, and LEMUEL COOK, being in nomination.

Those who voted for Mr Austill, are messrs Baylor, Creagh, King, Ross, Rodgers, Toulmin, Wilson of J. and Womack, of the Senate; and messrs Armbrister, Barron, Bradley, Gardner, Griffin of S., Hammond, Houston,



Jones of mad., Jefferson, King, Mason, Mundy, Norwood, Rhodes, Smith of Jackson, Spruill, Stinson, Valliant and Wallace of the House—27.

Those who voted for Mr Greene, are messrs Alston, Thornton, and Watrous of the Senate; and messrs Covington, Davis of B., Davenport, Henry, Jemison, S. McAlpin, Smith of T. and Young, of the House—11.

Those who voted for Mr Strode, are messrs President, Address, Buford, Clarke, Dent, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McConnell, Oliver, Phillips, Turner and Wilson of F., of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Bishop, Broughton, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davis of L., Fletcher, Ford, Gresham, Griffin of M. Griffin of J. Harris, Haughton, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Justice, Kennedy, Kidd, Marchbanks, McAllister, B. McAlpin, R. C. McAlpin, McLeMore, McLeod, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Norris, Phillips, Randolph, Rice, Rodgers, Rushing, Steele, Storrs, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Yancey, of the House—73.

And those who voted for Mr Cook, are messrs Brindley and Hudson, of the Senate; and messrs Alexander of Laud., Barker, Burleson, Garland, Heflin, Norman, Reynolds and Walker of Law., of the House—10.

Mr Strode having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected solicitor of the 7th judicial circuit for the time prescribed by law.

The Senate then withdrew to their chamber.

Mr President resumed the chair, and the Senate proceeded to business.

Mr Jones, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to incorporate the town of Warrenton, in the county of Marshall.

An act to authorise Allen Woolley to erect a gate across a certain public road therein named.

An act entitled an act to change the time of appointing tobacco inspectors for the county of Lauderdale.

An act to regulate judicial proceedings in the county of mobile.

An act to change the time of holding the winter term of the county court of Butler county.

An act to authorize the circuit court of Butler county, to remain in session two weeks at the spring term of 1842.

An act to ascertain and fix a suitable cite for the permanent location of the court house of Covington county, and for other purposes.

An act altering the mode of assessing and collecting the tax of Pike county.

An act to amend the laws for assessing and collecting the taxes in the county of Benton, and for other purposes.

An act to establish a ware-house for the inspection of tobacco in the town of Decatur, in this State.

The Senate then resumed the consideration of the bill to be entitled an act to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches.

Mr Buford offered the following amendment by way of engrossed ryder, to wit:

Provided, that any member voting may, if he choose, vote in blank, and no

such nominee shall be declared elected a director, unless he shall have received a majority of two thirds of the whole number thus voting on joint ballot.

Mr Buford moved to refer the bill, together with the amendment, to the committee on the judiciary; which was lost.

The question then recurred on the adoption of the amendment.

Mr Creagh called for a division of the question, which was first taken on that portion of the amendment which related to the voting in blank; which was lost. Yeas 12—Nays 18.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Creagh, Hall, Hunter, King, McAllister, Oliver, Reese, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Dent, Foster, Hudson, Jones, McClanahan, McConnell, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

The balance of the amendment was withdrawn.

The question was then taken on the passage of the bill; which was carried. Yeas 17—Nays 13.

Those who voted in the affirmative are, messrs President, Clarke, Hudson, Jones, King, McAllister, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Address, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hall, Hunter, Oliver, Rodgers and Watrous.

Ordered that the title remain as aforesaid.

A message was received from the House of Representatives by Mr. Tunstall.

Mr. President: The House of Representatives have adopted the accompanying preamble and resolutions in relation to the State bank and branches.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of John H. Henderson, register of the chancery court holden at Blountsville, for books and stationery furnished said office, reported the claim as not being properly authenticated; in which report the Senate concurred.

Mr Brindley asked leave to withdraw the account; which was granted.

Mr Hudson, from the same committee to whom was referred the account of Wm. McGehee, late sheriff of Mobile county, reported that it was unnecessary for the Senate to have any further action on the subject, as the relief sought to be obtained is embraced in a bill now before the Senate, for the relief of sheriffs for the like services. The committee therefore ask to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Turner, from the committee on roads, bridges and ferries, to whom was referred a resolution instructing them to inquire into the propriety of reducing the width of lanes, with leave to report by bill or otherwise, reported for the consideration of the Senate, a bill to be entitled an act to reduce or increase the width of lanes; which was read a first time and ordered to a second reading.

The Senate then resumed the consideration of the orders of the day.

A bill to be entitled an act to incorporate the town of Vienna, in the county

of Pickens, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of certain citizens of Talladega county, was read a second time, and on motion of Mr McConnell, ordered to lie on the table.

A bill to be entitled an act to incorporate the factors press and ware-house company, was read a second time.

Mr Baylor offered an amendment as an additional section; which, together with the bill, was on motion of Mr Baylor, referred to the committee on the judiciary.

A bill to be entitled an act to provide books and stationary for the several chancery courts in this State, was read a second time.

Mr Brindley moved to refer it to a select committee; which was lost.

Mr Turner, to the committee on the judiciary; which was carried.

The resolutions from the House of Representatives in relation to the frauds alleged to have been committed on the State bank and branches were read, and on motion of Mr Hudson, ordered to lie upon the table.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed bills which originated in the House of Representatives of the following titles, to wit:

An act to alter the manner of compensating executors and administrators in certain cases.

An act to amend the charter of the Planters and Merchants bank of Mobile.

An act more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved Feb. 2, 1839.

An act to incorporate the town of Dadeville, in Tallapoosa county.

An act to provide for working of roads on beat lines, and for other purposes.

A joint memorial to the Congress of the United States, on the subject of establishing an armory at the great falls on Tallapoosa river.

An act for the relief of tales jurors in the county of St. Clair, and for other purposes; in all of which they ask the concurrence of the Senate.

A message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives concur in the resolution of the Senate proposing to elect a warden and deputy warden of the Penitentiary, and have amended the same by inserting 1 o'clock this day.

Mr Hall moved to lay the message on the table; which was lost.

Mr Hudson, to postpone for the present; which was carried.

Mr Rodgers, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, joint resolutions in relation to the salary of warden and deputy warden of the penitentiary.

On motion of Mr Hunter, the Senate resumed the consideration of the resolution in relation to the election of warden of the penitentiary.

The amendment of the House proposing to go into the election at one o'clock, was concurred in by the Senate.

On motion of Mr Hudson, the resolution was amended by striking out deputy warden, and adding three inspectors.

Engrossed bill from the House of Representatives to be entitled an act to alter the manner of compensating executors and administrators in certain cases, was read and ordered to a second reading.

Message from the House of Representatives.

Mr President: The House of Representatives concur in the amendment made by the committee of conference in relation to the salary of the warden and deputy warden of the penitentiary.

They also concur in the amendment of the Senate proposing to elect three inspectors of the penitentiary this day at one o'clock.

A bill from the House of Representatives to amend the charters of the planters and merchants bank at Mobile, was read and ordered to a second reading.

A bill from the House in relation to free persons of color was read a second time.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted the following resolution:

RESOLVED, that the Senate be now invited into the Hall of the House of Representatives to go into the election of a warden and three inspectors of the penitentiary.

In accordance with the above invitation, the Senate repaired to the hall of House of Representatives, and were seated.

Mr President then announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a warden of the penitentiary: messrs F. F. ADRIAN, RICHARD BURRUSS, WM. CAMPBELL, WM. HOGAN, WM. MCCAY, ALEXANDER RIDDLE and JAMES SHANNON, being in nomination.

Those who voted for Mr Adrian, are messrs Reese, of the Senate; and messrs Hammond, Heflin, B. McAlpin, McMillion of J., Taylor and Walker of Benton, of House—7.

Those who voted for Mr Burruss, are messrs Hudson and Rodgers, of the Senate; and messrs Alexander of Laud., Barker, Burleson, Garland, Kennedy, Norman, Valliant and Walker of Lawrence, of the House—10.

Those who voted for Mr Campbell, are messrs Address, Creagh, Jones, Ross and Womack, of the Senate; and messrs Broughton, Chiles, Crenshaw, Crawford, Gresham, Hunter, James, Jones of Cov. Jefferson, Justice, Mason, McLeod, Randolph, Rhodes, Rushing, Storr, Stinson, Woodward and Yancey, of the House—24.

Those who voted for Mr Hogan, were messrs Alston, Baylor, Buford, Dent, Foster, Hunter, King, McConnell, Oliver, Phillips, Thornton, Turner and Wilson of F., of the Senate; and messrs Alexander of Lawrence, Barron, Bishop, Bradley, Cochran, Covington, Davenport, Davis of B., Erwin, Ford, Gardner, Griffin of S., Harris, Henry, Hogan, Hutchinson, Jones of Con. Jamison, Kidd, McAllister, R. McAlpin, S. McAlpin, McLemore, Mitchell, Morris, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T. Spruill, Strade, Wallace and Young, of the House—49.

Those who voted for Mr McCay, are messrs President, Clarke, McClanahan and Turner, of the Senate; and messrs Speaker, Cain, Clemens, Haughton, Houston, Jones of mad., Moore, Reynolds, Smith of Laud., Troup and Wyan, of the House—15.

Those who voted for Mr Riddle, are messrs Brindley, McAllister, Toulmin, and Wilson of J., of the Senate; and messrs Allen, Armbrister, Davis of Lime, t one, Fletcher, Griffin of J., Griffin of M., Henslee, King, Marchbanks, Mc



Million of B., Musgrove, Rodgers, Smith of Jackson, and Winston, of the House—18.

Those who voted for Mr Shannon, are messrs Hall, of the Senate; and messrs Morgan, Phillips and Steele, of the House—4.

Neither having received a majority of the whole number of votes given, the two Houses proceed to ballot a second time.

Those who voted for Mr Adrian, are Mr Reese, of the Senate; and messrs Heflin, McMillion of J. and Taylor, of the House—1.

Those who voted for Mr Burruss, are messrs Hudson and Rodgers of the Senate; and messrs Alexander of Land, Barker, Burleson, Garland, Houston, Norman, Valliant and Walker of B., of the House—10.

Those who voted for Mr Campbell, are messrs Address, Clarke, Creagh, Jones, Ross and Womack of the Senate; and messrs Broughton, Chiles, Crenshaw, Crawford, Harris, Hunter, James, Jones of Cov., Jefferson, Justice, Mason, McAllister, B. McAlpin, McLeod, Moore, Phillips, Randolph, Rhodes, Rushing, Storrs, Stinson, Walker of B., Woodward and Yancey, of the House—30.

Those who voted for Mr Hogan, are messrs Alston, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Thornton, Watrous and Wilson, of F., of the Senate; and messrs Alexander of Lowndes, Barron, Bishop, Bradley, Cochran, Covington, Davis of B., Davenport, Erwin, Ford, Gardner, Gresham, Griffin of S. Hammond, Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, R. McAlpin, S. McAlpin, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T., Spruill, Strode, Troup, Wallace and Young, of the House—51.

Those who voted for Mr McCay, are messrs President, McClanahan and Turner, of the Senate; and messrs Speaker, Cain, Clemens, Haughton, Jones of M. Kennedy, Reynolds, Smith of L. and Wynn, of the House—12.

Those who voted for Mr Riddle, are messrs Brindley, Toulmin and Wilson of J., of the Senate; and messrs Allen, Armbrister, Davis of L., Fletcher, Griffin of J., Griffin of M., Hunter, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., and Winston, of the House—17.

Those who voted for Mr Shannon, are Mr Hall, of the Senate; and messrs Morgan and Steele of the House—3.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a third time. The names of Mr Shannan and Adrian having been withdrawn.

Those who voted for Mr Burruss are, Messrs Hudson and Rodgers of the Senate; and Messrs Alexander of L., Barker, Burleson, Garland, Heflin, Valliant and Walker, of the House.—9

Those who voted for Mr Campbell are, Messrs Address, Clarke, Creagh, Hall, Jones, Reese, Ross and Womack, of the Senate; and Messrs Broughton, Chiles, Crenshaw, Houston, Hunter,, James, Jones of Cov. Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLeod, Moore, Morgan, Phillips, Randolph, Rhodes, Rushing, (Smith, of L., Steele. Stinson, Walker of B. Woodward and Yancy of the House.—33.

Those who voted for Mr. Hogan are, Messrs Alston, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Thornton, Toulmin, Wilson of F., of the Senate; and Messrs Alexander of Lowndes, Barron, Bishop, Bradley, Cochran, Covington, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Gresham, Griffin of Shelby, Hammond, Harris,

Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, McAllister, R. McAlpin, S. McAlpin, McLemore, McMillion, of Jefferson, Mitchell, Moors, Mundy, Norris, Perkins, Rice, Scott, Smith of T., Spruill, Storrs, Strode, Troup, Wallace and Young, of the House of Representatives—57.

Those who voted for Mr. McCay are, Messrs President, McClanahan and Turner, of the Senate; and Messrs Speaker, Cain, Clemens, Haughton, Jones of Madison, Norman, Reynolds and Wynn.—11

Those who voted for Mr Riddle are, Messrs Brindley and Wilson of Jackson, of the Senate; and Messrs Armbrister, Allen, Davis of L., Fletcher, Griffin of J., Griffin of M., Henslee, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., Taylor and Winston, of the House of Representatives.—17.

Neither having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for Mr Burruss are, Messrs Rodgers of the Senate; and Barker, Taylor, Valliant and Walker of L., of the House—5.

Those who voted for Mr Campbell are, Messrs Clarke, Creagh, Hall, Hudson, Jones, McClanahan, Ross and Womack, of the Senate; and Messrs Alexander of L., Allen, Burleson, Chiles, Crenshaw, Gresham, Harris, Haughton, Heflin, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLeod, Moore, Morgan, Norman, Phillips, Randolph, Reynolds, Rhodes, Rushing, Smith of L., Steele, Storrs, Stinson, Walker of B., Woodward, Wynn and Yancy, of the House—44.

Those who voted for Mr Hogan are, messrs President, Alston, Andress, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Reese, Thornton, Toulmin, Watrous and Wilson of F. of the Senate; and Messrs Alexander of Lowndes, Barron, Bradley, Bishop, Broughton, Cain, Clemens, Cochran, Covington, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Griffin of M., Griffin of S., Hammond, Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, McAllister, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J., Mitchell, Moors, Mandy, Norris, Norwood, Perkins, Rice, Scott, Smith of T., Spruill, Strode, Troup, Wallace and Young of the House.—64.

Those who voted for Mr McCay, are, messrs Turner of the Senate; and Speaker of the House.—2.

Those who voted for Mr Riddle, are messrs Brindley and Wilson of J. of the Senate; and messrs Armbrister, Griffin of J., Henslee, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., and Winston of the House.—12.

Mr Hogan having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Warden of the Penitentiary for the time prescribed by law.

The two houses next proceeded to the election of three Inspectors of the Penitentiary.

Messrs J. M. ARMSTRONG, D. LYMAN BEECHER, — COLE, LARKIN CLEVELAND, FAGAN HICKMAN, — FOWLER, Mr KYLE, L. KENNEDY, L. P. SAXON, SAMUEL LEEPER, HENRY LEWIS, S. S. SIMMONS, M. SMITH, and — WATSON, being in nomination.

Those who voted for Mr Armstrong are, messrs Hunter, McConnell, Oliver, Ross, and Thornton, of the Senate; and messrs Alexander of L., Armbrister,

B. May, Cain, Chiles, Crawford, Davis of B., Fletcher, Ford, Gardner, Gresham, Griffin of S., Harris, Henry, Hunter, Hutchinson, Jones of Cov., Justice, Kennedy, Kidd, King, Mason, McAllister, McLemore, McLeod, McMillion of B., Moore, Moors, Mundy, Norris, Rhodes, Scott, Smith of J., Smith of T., Stinson, Valliant, Wallace and Winston of the House.—44.

Those who voted for Mr Beecher, are, messrs President, Address, Buford, Dent, King, Oliver, Phillips and Womack of the Senate; and messrs Alexander of L., Barker, Cochran, Covington, Crenshaw, Davis of B., Erwin, Gardner, Gresham, Griffin, of S. Harris, Henry, Hutchinson, Jones of Cov., Jemison, McLemore, Mitchell, Norwood, Perkins, Rhodes, Scott and Smith of T., of the House.—30.

Those who voted for Mr Cole are, messrs Buford, of the Senate; and Broughton, Crawford, Gresham, Hunter, Justice and McAllister of the House.

Those who voted for Mr Cleaveland are, messrs Creagh, Foster, Ross and Toulmin of the Senate; and messrs Burleson, Hammond, Heflin, Hogan, Houston, Marchbanks, Musgrove, Norman, Reynolds, Taylor and Yancy of the House.—15.

Those who voted for Mr Fowler are, messrs Address, Brindley, Creagh, Hunter, McAllister, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Broughton, Cain, Chiles, Gardner, Jones of Con., Jefferson, Kidd, Mason, Moore, Mundy, Rice, Rushing, Scott, Storrs, and Strode of the House.—27.

Those who voted for Mr Kyle, are, messrs Hunter of the Senate; and Davenport, Hutchinson, Kidd, Mason, R. C. McAlpin, Phillips and Storrs, of the House.—8.

Those who voted for Mr Kennedy, are, messrs Turner of the Senate; and messrs Speaker, Alexander of L., Barker, Davenport, Davis of B., Ford, Henry, Kennedy, McLeod, Mitchell, Moors, Smith of T., Stinson and Walker of L.—15.

Those who voted for Mr Saxon are, messrs Alston, Baylor, Clarke, Creagh, Foster, Phillips, Reese, Rodgers and Womack of the Senate; and messrs Alexander of L., Allen, Barron, Bishop, Bradly, Broughton, Chiles, Clemens, Cochran, Covington, Crenshaw, Davenport, Davis of L., Erwin, Ford, Garland, Griffin of S., Haughton, Hogan, Houston, Hutchinson, Jones of M., Jefferson, B. McAlpin, R. C. McAlpin, McMillion of J., Moors, Musgrove, Norris, Perkins, Randolph, Rhodes, Rushing, Smith, of L., Spruill, Storrs, Strode, Troup, Valliant, Walker of B., Wallace, Woodward, Wynn and Yancy, of the House.—54.

Those who voted for Mr Leeper are, messrs President, Brindley, McClanahan, Rodgers, Wilson and Womack, of the Senate; and messrs Speaker, Armbrister, Barker, Bishop, Cain, Covington, Crenshaw, Fletcher, Garland, Griffin of J., Henslee, King, McMillion of B., Rodgers, Smith of J., Stinson, Valliant, Walker of L., and Winston.—25.

Those who voted for Mr Lewis, are, messrs Griffin of M., Jones of Con., Morgan and Steele of the House.—4.

Those who voted for Mr Simmons, are, messrs President, Alston, Baylor, Clarke, Dent, Hall, Hudson, Jones, King, McAllister, McClanahan, Toulmin, and Turner, of the Senate; and messrs Speaker, Alexander of Land., Allen, Barron, Burleson, Clemens, Davenport, Garland, Griffin of M., Hammond

Haughton, Henry, Henslee, James, Jones of M., Jemison, Marchbanks, B. McAlpin, S. McAlpin, McMillion of J., Mitchell, Morgan, Mundy, Musgrove, Norris, Perkins, Phillips, Rice, Rodgers, Smith of Laud., Steele, Taylor, Walker of B., Woodward and Wynn of the House.—18.

Those who voted for Mr Smith are, messrs Hall, Hudson, Jones, McConnell and Reese, of the Senate; and messrs Barron, Bradley, Cochran, Fletcher, Griffin of J., King, McMillion of J., Norman, Randolph, Reynolds, Smith of J., Troup and Yancy, of the House.—18.

Those who voted for Mr Watson are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hall, Hudson, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Thornton, Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Burleson, Clemens, Crawford, Davis of B., Erwin, Griffin of M., Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, Marchbanks, McAllister, B. McAlpin, McLemore, McLeod, McMillion of B., Moore, Norman, Norris, Norwood, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of L., Strode, Taylor, Troup, Walker of B., Walker of L., Wallace, Winston, Woodward and Wynn of the House.—73.

Mr Watson having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Inspector of the Penitentiary for the term prescribed by law.

The two houses then proceeded to ballot for two Inspectors; the names of messrs Cole, Cleavland, Fowler, Kyle, Leeper, Lewis, Smith and Fagan, having been withdrawn.

Those who voted for Mr Armstrong are, messrs Address, Buford, Clarke, Hall, Hunter, Jones, McAllister, McConnell, Phillips, Ross, Rodgers, Thornton, Turner and Womack, of the Senate; and messrs Alexander of L., Armbrister, Barroh, Barker, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Ford, Gardner, Gresham, Griffin of J., Griffin of S., Hammond, Harris, Heflin, Hunter, Hutchinson, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, King, Mason, McAllister, McLemore, McLeod, McMillion of J., Mitchell, Mundy, Rhodes, Rushing, Scott, Smith of J., Smith of L., Smith of T., Storrs, Strode, Stinson and Valliant of the House.—63.

Those who voted for Mr Beecher, are, messrs Buford of the Senate; and Crawford, Gresham, Hutchinson, Jones of Con., Kidd, Perkins and Smith of L.—8.

Those who voted for Mr Saxon are, messrs President, Clarke, Creagh, Foster, McClanahan and Womack of the Senate; and messrs Speaker, Allen, Armbrister, Barron, Bishop, Bradley, Broughton, Burleson, Chiles, Clemens, Cochran, Covington, Crenshaw, Davis of L., Erwin, Fletcher, Ford, Garland, Griffin, of J., Griffin, of M., Griffin of S., Henslee, Houston, Hunter, Hutchinson, Jones of Con., Kidd, Mason, B. McAlpin, R. C. McAlpin, McLemore, McLeod, Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rhodes, Rushing, Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Woodward, Wynn and Yancey of the House.—60.

Mr Mitchell, of the House, voted for Mr Kennedy.—1.

Those who voted for Mr Simmons, are, messrs President, Address, Brindley, Creagh, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McCon-



neil, Phillips, Ross, Rodgers, Thornton and Turner, of the Senate; and messrs Speaker, Alexander of L., Barker, Bishop, Burleson, Cain, Clemens, Cochran, Davis of B., Davis of L., Gardner, Garland, Griffin of M., Hammond, Harris, Heflin, Henslee, Houston, James, Jenison, Kennedy, King, McAllister, B. McAlpin, R. C. McAlpin, McMillion of Jefferson, Moore, Morgan, Mundy, Musgrove, Norman, Perkins, Phillips, Randolph, Rice, Scott, Smith, of J., Smith of L., Taylor, Troup, Walker of B., Woodward, Wynn and Yancy, of the House. —63.

messrs Armstrong and Simmons each having received a majority of all the votes given, Mr Speaker declared them duly elected Inspectors of the Penitentiary for the time drescribed by law.

The Senate then withdrew to their chamber.

Mr President took the chair and called the Senate to order.

Message from his Excellency the Governor by J. D. Bagby.

Mr President: I am instructed by his Excellency the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to authorize Wm. Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time of the election of said officer in future.

And joint resolutions in relation to the salaries of warden and deputy warden of the Penitentiary, which joint resolutions were approved this day, Nov. 24th 1841, at thirty minutes past 12 o'clock, M.

The foregoing bills originated in the Senate.

On motion of Mr Dent, the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, NOV. 22, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of the stockholders of the Factors press and ware-house company, the reading of which was dispensed with, and on motion, referred to the judiciary committee.

Mr Phillips presented the petition of sundry citizens of Dallas county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Jones from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled.

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes.

Mr King introduced a bill, to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections; which was ordered to a second reading.

On motion of Mr Wilson of F: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of passing a law, prohibiting the President and directors of the State bank and its several branches, from discounting any note or notes, bill or bills, to any one individual for a greater amount than five thousand dollars; and also limiting the amount of the liabilities of any one individual to the State bank and its several branches; and also to inquire into the expediency of laying off the State into banking districts, within which the bank and its several branches, shall severally confine their operations as to the sale of bills of exchange, or discounting notes.

Mr Phillips offered a joint resolution, restraining the bank of the State of Alabama and the several branches thereof, from discounting accommodation paper while they continue in a state of suspension; which was read, and ordered to a second reading.

Mr Reese from the committee of arrangements, on the part of the Senate, in relation to the inauguration of the Governor elect, made the following report:

The joint committee of arrangements have agreed on the following plan for the order of procession at the installation of Governor Fitzpatrick.

First, floor of the House, to be appropriated for the accommodation of the ladies, members and balance of the procession, which is to be in the following order,

Music,  
Tuskaloosa Guards,  
Masonic Societies in dress,  
Citizens generally, two and two,  
Judges of the circuit and county courts,  
Clerks and sheriffs,  
Judges of the Supreme court and clerks,  
Faculty of the University, preceded by the students,  
Clergy generally,  
Door-keeper and Messenger of the House of Representatives,  
Clerk and Assistant Clerks of the House of Representatives,  
Speaker,  
Members of the House of Representatives, two and two,  
Door-keeper and Messenger of the Senate,  
Secretary and Assistant Secretary of the Senate,  
President,  
Senators, two and two,  
Secretary of State, Comptroller, and Treasurer,  
Doct. Manly, chaplain, sustained by two of the committee,  
Gov. Bagby, sustained by two members of the committee,  
Governor elect, sustained by the committee of arrangements.

The two Houses with the military will assemble at the hour of 11 o'clock, and will proceed from the Capitol to the residence of the Governor elect, at Col. Donaldson's where the procession will be formed under the direction of the Marshalls, in conformity with the foregoing programme.

Citizens and strangers are invited to join the procession.

A national salute will be fired in front of the capitol, at sun rise and at 12 M.

Generals Dent and Carroll, Marshalls of the day.

Which report was concurred in by the Senate.

On motion of Mr Reese, the Senate then took an informal recess.

At the time agreed upon, Benjamin Fitzpatrick, the Governor elect appeared in the hall of the House of Representatives and in the presence of the two Houses.

Mr Speaker administered to him the usual oaths of office, which oaths were to support the constitution of the United States, the constitution of the State of Alabama, and faithfully to discharge his duty as Governor of said State.

The Senate then withdrew to their chamber at 12 o'clock.

Mr President took the chair and called the Senate to order.

Mr Reese offered the following resolution: **RESOLVED**, that the Secretary of the Senate, request a copy of the Governor's Inaugural address, with a view to having it printed.

On motion of Mr Ross, the resolution was amended by striking out Secretary of the Senate, and committee of arrangements inserted instead thereof; the question then recurred on the adoption of the resolution, as amended, which was carried.

On motion of Mr Phillips: **RESOLVED**, that the thanks of the Senate be rendered to Capt. Bingham and company for their services on the occasion of the installation of the Governor.

On motion of Mr Andress, the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOV. 23, 1841.

The Senate met pursuant to adjournment.

The Hon. Henry C. Lea, Senator from Perry county, appeared in the Senate chamber and took his seat.

Mr Brindley presented the petition of F. G. K. Shannon, the reading of which was dispensed with, and on motion, referred to the committee on propositions and grievances.

Mr Turner presented the petition of sundry citizens of Madison county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Lea presented the account of Wm. Chandler, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Lea presented the account of Jesse H. Watson, the reading of which was dispensed with, and on motion, referred to the committee on military affairs.

On motion of Mr Hunter, Resolved, that the Senate with the concurrence of the House of Representatives will assemble in the hall of the House on to-morrow at 12 o'clock, M. to go into the election of judge of the county court of Lowndes county.

On motion of Mr McConnell, the memorial of Robert Douglass was taken from the table and referred to a select committee; whereupon messrs McConnell, Lea and Watrous were appointed said committee.

Mr McConnell presented the memorial of sundry citizens of Talladega county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

The Senate then took up the special order for yesterday, which was a bill to be entitled an act to provide for the removal of the seat of government, and

On motion of Mr Hudson, the same was postponed until Monday next, and made the special order of the day for 11 o'clock.

The Senate proceeded to the consideration of the regular orders of the day.

A bill from the House of Representatives more effectually to prevent free negroes and persons of color from entering into and remaining in this State being under consideration, it was read a first time, and on motion of Mr Toulmin, the constitutional rule was suspended, and the bill read a second time.

Mr Toulmin moved further to suspend, which was lost; it was then on motion of Mr Creagh, referred to the judiciary committee.

A bill from the House of Representatives to be entitled an act to incorporate the town of Dadeville, in Tallapoosa county, was read the 1st time, and on motion of Mr Clarke, ordered to lie upon the table.

Bills from the House of Representatives of the following titles to wit:

An act to provide for the working of roads on beat lines, and for other purposes, and

An act for the relief of tales jurors of the county of St. Clair, were severally read, and ordered to a second reading.

Joint memorial to the Congress of the United States, on the subject of establishing an armory, at the great falls, of the Tallapoosa river, was read and adopted; ordered that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to alter the manner of compensating executors and administrators in certain cases, was read a second time and on motion of Mr Phillips, referred to the committee on the judiciary.

A bill from the House of Representatives to amend the charters of the Planters and Merchants bank of Mobile, was read a second time, and on motion of Mr Phillips, referred to a select committee; whereupon messrs Phillips, Toulmin and Thornton were appointed said committee.

Engrossed bill, to be entitled an act to incorporate the town of Vienna, in the county of Pickens, was read a third time and passed; ordered that the title of the same remain as aforesaid.

A bill to be entitled an act to reduce or increase the width of lanes, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to raise a school fund for the benefit of the poor and in aid of valueless 16th sections, was read the second time and Mr Clarke, moved to lay the bill upon the table, and print one hundred and thirty-three copies, which was lost.

Mr Thornton moved to refer the bill to the committee on education, which was carried.

Joint resolutions restraining the bank of the State of Alabama and the several branches thereof, from discounting paper, while they continue in a state of suspension, was read a second time, and on motion of Mr Hudson, referred to the committee on the State bank.

Mr Oliver moved to reconsider the vote taken this morning on refusing to lay on the table and print one hundred and thirty-three copies of a bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections; which was lost.

Mr Turner from the committee of arrangements in relation to the inauguration of Gov. Fitzpatrick, to whom was referred a resolution instructing them to request a copy of said Governor's inaugural address; reported that they had received the following communication, and asked to have the same spread upon the journal of the Senate, in which the Senate concurred.

*Gentlemen of the Senate and House of Representatives:* With a feeling of unaffected gratitude for the confidence which a majority of my fellow-citizens have reposed in me, by electing me to the responsible office of the chief Executive magistrate of the State; and with a settled determination to requite that confidence, as far as I can, by an assiduous devotion of my feeble abilities to the public service; I present myself before you, to incur the solemn



obligations enjoined by the constitution, and to assume the high and responsible duties assigned me.

In accordance with a custom proper on such occasions, I avail myself of the present opportunity publicly to avow my opinions on some of the leading questions of state and federal policy, which have so long, and are destined still longer, to divide the public mind.

To the state governments belong the preservation of much the larger class of individual rights, immediately appertaining to the security of life, liberty and property; but the extent to which even these rights are affected by the constitutional action of the federal government, and the still greater extent to which they are involved by the unauthorised assumption of federal power, would seem to require upon such questions, the most open and frank avowal of sentiments, from every important depository of public trust even in the state governments. That agent of state authority is but little to be trusted, who is willing to compromise the individual rights of the citizen, or that aggregation of individual rights which attaches to the state as a sovereign member of the confederacy: to a theory of the constitution, which by the mere force of construction concedes to the federal government powers not only undelegated, but which, by the terms of the instrument, are expressly reserved to the states respectively, or to the people, I hold that neither the states in their limited capacity, nor does Congress possess any inherent power or original existence as a body politic; that the constitution is a compact between the several states, in their sovereign capacity as states; that the federal government is the creature of that compact, possessing no powers than such as are expressly conferred, or such as are "necessary and proper" to carry into effect some previously granted power.

Those who assert the omnipotence of the federal government, so far as to dispute the right of the state, through any or all of its functionaries, to examine, discuss, or in any manner to scrutinize the authority of the federal government, must forget that the first step to ascertain the limits of state power, is to know to what extent that power originally belonging to them as sovereigns, has been delegated to the federal government, and that in questions of disputed power, to yield to that government the exclusive prerogative of judging of its own powers; and as a consequence, to fix the limits of state power, is at once to annihilate the state governments, by making the creature supreme and controlling over its creators.

Believing therefore that the states are the only counterpoise under our system, to the consolidating tendency of federal authority, and that to their jealous scrutiny we can alone look, for confining the federal government within the limits prescribed by the constitution, I should have been false to the high trust to which I have been called, and to my long cherished convictions, not to have thus publicly taken the earliest occasion to avow the opinion, that the first step in sustaining the sovereign rights of the states, and the liberties of the people, is to check the already overgrown power of the federal government. The present time is pregnant with admonitions. The distribution of the nett proceeds of the public lands is but an attempt to buy up the states and to make them stipendiaries of the federal government, under a fund wrung from the labor of their own citizens, and under the flagitious assumption that the power to distribute does not involve the necessity of taxation to an equivalent amount. He must be blind to the nature of human action, who does

not see in this scheme of distribution a portion of the public revenue, an artfully devised plan of assuming, to that extent, the state debts, throwing the whole burthen of supporting the federal government upon impost duties, and of reviving again an unconstitutional protective tariff. In principle, it is liable to all the constitutional objections of appropriating federal money to local objects, while in practice, it will lead to the greatest profligacy and corruptions in the state governments, by causing them to look to the federal government as the great almoner, who at all times stands ready to replenish their wastefully exhausted coffers.

It to this picture of federal aggrandizement and state and popular degradation, be added the reunion of bank power, in the hideous form of another unconstitutional United States Bank, the advocates of implied and constructive powers will have succeeded in giving the finishing touch to our institutions, by ingrafting on them all the usurpations which they have so long and so laboriously struggled to effect. I have adverted to these topics, not to increase the acrimony of party discussions, which already exist in the country, but in this distinct form to renew the pledges of my whole life, in opposition to principles which I honestly believe must end in the destruction of our state governments, and the subversion of our republican institutions.

Not presuming in this address, and at this period of the session, to encroach upon the more appropriate duties of the very able and distinguished chief magistrate of the state, whose official station I am now about to assume, by making a recommendation of any distinct legislative action, I hope I shall be pardoned for the remark, that in the practical administration of all governments, economy is one of the highest of public virtues. The essence of modern oppression, is taxation. The measure of popular liberty may be found in the amount of money which is taken from the people to support the government; when the amount is increased beyond the requirements of a rigid economy, the government becomes profligate and oppressive.

I should do injustice perhaps to the history of our state legislation, not to say, that so far, there have been but few if any gross and flagrant departures from a becoming economy in the expenditure of the public money by our state legislature. Perhaps no state in the union has heretofore found less cause of complaint of actual prodigality, and yet it is a problem of great difficulty to say, to what extent our finances may be embarrassed by the revulsions which have overtaken our State bank and its branches, in common, more or less, with every form of paper credit known to the civilized world.

Whether the paper system will ever recover from these revulsions, begins to be, with many, a matter of serious doubt; certain it is, that no one has yet been able to devise a panacea which will relieve the banks of circulation of their inherent tendency to excess of issues; and the utter hopelessness of the attempt, appears to be avowed in the effort which is now making, by a large party in the country, to cure all the evils of banking, by the establishment of a great National Institution, which shall differ from other institutions in little else, than in its greatest power to sustain a greater amount of issues. Upon this supposition, the inherent evil of paper expansion, can be cured only by lending to some one institution the credit and revenues of the federal government; which so far from restraining, will in fact give it additional powers of expansion. To this reasoning, it is unnecessary for me to say, I have never been a convert; nor can I lay claim to the wisdom of suggesting a plan of cur-

ring the evils, to which all admit, the banking system, in all its forms, as heretofore carried on, is so liable. But if, in addition to the evils of an irredeemable currency, we are to be subjected to the still further misfortune of losing a portion of the capital stock of some of the branches, common prudence would suggest the propriety of at least closing such branches. To the extent that the system works well, we should not needlessly abandon it; but to the extent which it promises to prolong the evils of a continued suspension of specie payments, and at the same time to lessen our means of preserving the credit of the State, it certainly cannot be too soon abandoned.— That these objections to our State Banking system, apply with very different force, to the different branches, I am fully aware. The returns of the several branches will shew great inequality in the prudence with which they have been respectively managed.

Ardently devoted as I am to a judicious system of State Internal Improvement, and to a general diffusion of knowledge by common schools, the financial difficulties which threaten the State, will probably leave us no other duty connected with these subjects, than a faithful and economical application of existing funds, to the purposes for which they were originally intended. No one, I presume, can be so enthusiastic as to propose encouragement to those favorite purposes, by a resort to additional taxes, in the face of the financial embarrassments, which we have too much fear, will shortly overtake us.

To maintain the credit of the State, by a prompt discharge of our State debts, as they severally fall due, our great reliance must be on the industry and energy of our population, the elements of productive wealth which are presented in a genial climate, a fertile soil, great natural advantages of inland navigation, and as bountiful a variety of valuable State products, as an indulgent Providence has conferred upon any other country. That we may make the best possible application of these natural advantages, is my fervent wish, and shall be the constant object of my most faithful efforts in the public service.

A message was received from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a judge of the county court of Lowndes county, and have amended the same by adding "and a Senator to the Congress of the United States;" in which they ask the concurrence of the Senate.

The question was then taken on concurring in the amendment of the House of Representatives; which was lost. Yeas 9—Nays 21.

Those who voted in the affirmative are, messrs Alston, Andress, Buford, Hunter, King, Oliver, Phillips, Thornton and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J.

The hour of eleven o'clock having arrived, the Senate then took up the special orders of the day.

The first special order being a bill to be entitled an act to repeal an act, entitled an act to raise a school fund in aid of valueless 16th sections in this State; which was read a second time.

Mr Rodgers moved to lay the bill upon the table; which was lost.

Mr Baylor, to refer it to the committee on education; which was carried.

A bill to be entitled an act to accept the two per cent. fund, was read a second time, and on motion of Mr Reese, laid on the table.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, was read a second time, and on motion of Mr Terry, recommitted to the committee on the State bank.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives adhere to their amendment to the resolution of the Senate proposing to go into the election of a judge of the county court of Lowndes county.

Mr Phillips moved that the Senate recede from their disagreement to the amendment of the House; which was lost. Yeas 14—Nays 15.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Dent, Foster, Hudson, Hunter, King, Lea, Oliver, Phillips, Thornton, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Clarke, Creagh, Jones, McAllister, McClanahan, McConnell, Reese, Ross, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

On motion of Mr Phillips, it was ordered that a committee of conference be appointed on the subject of disagreement between the two Houses.

On motion of Mr Baylor, it was unanimously resolved, that the chairman of the committee on the State bank, be directed to address a letter of inquiry to the President of the branch bank of the State of Alabama at Decatur, and to the commissioners—inquiring of them, who were the members of the legislature, to whom the commissioners appointed to examine said bank, refer as having presented and recommended notes of insolvent persons for discount, and who used undue means to procure the same to be discounted.

On motion of Mr Jones, two hundred and fifty copies each, of the report of the President of the branch bank at Montgomery, and the report of the commissioners appointed to examine into the affairs and condition of the branch of the bank at Huntsville, were ordered to be printed.

On motion of Mr Rodgers, the vote was taken on the motion to recede from the disagreement of the Senate to the amendment of the House to the resolution proposing to go into the election of a judge of the county court of Lowndes county, on to-morrow at the hour of 12 o'clock, M. was reconsidered.

The question then recurred on receding; which was carried. Yeas 16—Nays 14.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Dent, Foster, Hudson, Hunter, King, Lea, Oliver, Phillips, Ross, Rodgers, Thornton, Watrous and Womack.

Those who voted in the negative, are messrs President, Baylor, Brindley, Clarke, Creagh, Jones, McAllister, McClanahan, McConnell, Reese, Turner, Toulmin, Wilson of F. and Wilson of Jackson.

The motion heretofore made by Mr Reese, and which was postponed to Monday, 22d inst. on Mr Hudson's motion, to reconsider the vote refusing to pass the joint resolutions in relation to a survey of the county of Cherokee, was called up, by Mr Hudson, and decided in the affirmative.



The resolutions were then, on motion of Mr Foster, ordered to lie upon the table.

On motion of Mr King, the bill to be entitled an act to repeal the general ticket system for representatives in Congress from the State of Alabama, was taken from the table and placed among the orders of the day.

Mr Toulmin introduced a bill to be entitled an act to regulate and fix the fees of witnesses where the State is a party, and for other purposes; which was ordered to a second reading.

Mr Watrous introduced a bill to be entitled an act to amend the law regulating proceedings in chancery courts; which was read and ordered to a second reading.

Mr Watrous introduced a bill to be entitled an act to establish a board of commissioners for the improvement of the Cahawba river; which was read and ordered to a second reading.

Mr Thornton introduced a bill to be entitled an act to regulate writs of error; which was read and ordered to a second reading.

Mr Dent offered the following resolution:

RESOLVED, that the ninth rule for the government of the Senate be, and the same is hereby repealed; which under a rule of the Senate lays over one day.

Mr Alston offered the following resolution:

RESOLVED, that the State bank committee be instructed to inquire into the propriety of winding up the branch bank at Decatur.

Mr Dent moved to amend the resolution by striking out Decatur; which was lost. Yeas 10—Nays 19.

Those who voted in the affirmative are, messrs Baylor, Brindley, Dent, Foster, Hudson, McClanahan, Rodgers, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Alston, Address, Buford, Clarke, Creagh, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Mr Hudson moved to amend by adding after Decatur, "and Montgomery;" which was lost.

The question then recurred on the adoption of the resolution; which was carried. Yeas 17—Nays 12.

Those who voted in the affirmative are messrs Alston, Address, Buford, Clarke, Creagh, Hunter, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Those who voted in the negative are, messrs President, Baylor, Brindley, Dent, Hudson, Jones, Lea, McClanahan, Rodgers, Turner, Wilson of J. and Womack.

Mr Buford presented the memorial of Stephen M. Ingersoll, the reading of which was dispensed with, and on motion referred to the judiciary committee.

On motion of Mr Wilson of J. the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Nov. 24, 1841.

The Senate met pursuant to adjournment.

Mr Phillips presented the petition of George B. Evans, register in chancery, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Foster presented the petition of sundry citizens of Cherokee county, the reading of which was dispensed with, and on motion referred to a select committee.

Whereupon messrs Foster, McConnell and Clarke were appointed said committee.

Mr Thornton, from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending the existing law so that a longer time shall be required before accounts and notes shall be barred from collection, reported that it was inexpedient to legislate on the subject; which on motion of Mr Creagh, was ordered to lie on the table.

Mr Thornton, from the same committee to whom was referred a bill to be entitled an act to provide books and stationary for the register of the several chancery courts in this State; as also, a resolution instructing them to inquire into the expediency of taxing suits in chancery for the benefit of sheriffs attending on the same, reported that it was inexpedient to act further on said bill and resolution, because a bill containing the same provisions as there-in proposed, had already been reported from this committee to the Senate; which report was concurred in by the Senate.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to amend an act entitled an act, the more effectually to prohibit free negroes and persons of color, from entering into, and remaining in this State, approved 2d Feb. 1839, reported the same back to the Senate, with an amendment in the 6th line, by adding the word "house," after the word "custom," and recommended its passage. The amendment was concurred in by the Senate, and the bill placed among the orders of the day.

Mr Thornton, from the same committee, to which was referred a bill to be entitled an act to prevent a sacrifice of real estate, reported the same back to the Senate and recommended its passage.

On motion of Mr Lea, the bill was laid on the table, and one hundred and thirty copies thereof ordered to be printed.

Mr King introduced a bill to be entitled an act to provide for holding the circuit courts in certain counties; which was read and ordered to a second reading.

Mr Turner presented the report of the commissioners appointed to examine into the affairs and condition of the Planters and Merchants bank of Mobile; which was read, and on motion of Mr Hudson, ordered to lie upon the table.

Mr Jones moved to print two hundred and fifty copies of the report; which was carried.

Mr Creagh introduced a bill to be entitled an act to incorporate the Stockton steam-boat and ware-house company, in the county of Baldwin; which was read and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted resolutions in relation to the north eastern boundary question.

Resolutions from the House of Representatives relating to the north-eastern boundary, was read, and on motion of Mr Creagh, referred to the committee on federal relations.

Engrossed bill to be entitled an act to reduce or increase the width of lanes, was read a third time and passed.

Ordered, that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to provide for working on roads on beat lines, and for other purposes, was read a second time, and on motion of Mr King, referred to the committee on roads, bridges and canals.

A bill from the House of Representatives to be entitled an act for the relief of tales jurors, was read a second time and ordered to a third reading.

The amendment to a bill to be entitled an act to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama was adopted; the bill was then read a second time, and on motion of Mr Dent, the further consideration thereof was postponed until Monday next, and made the special order of the day for 11 o'clock.

A bill to be entitled an act to regulate, and fix the fees of witnesses where the State is a party, and for other purposes, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act to amend the law regulating proceedings in chancery courts, was read a second time, and on motion of Mr Watrous, referred to the committee on the judiciary.

A bill to be entitled an act to establish a board of commissioners for the improvement of the Cahawba river, was read a second time, and on motion of Mr Watrous, referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act to regulate writs of error, was read a second time, and on motion referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act to amend an act entitled an act to prohibit free negroes and persons of color from entering into and remaining in this State, approved 2nd February, 1839, was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

The resolution offered on yesterday by Mr Dent, to repeal the 9th rule for the government of the Senate, was taken up and adopted.—Yeas 17,—Nays 12.

Those who voted in the affirmative are, Messrs President, Alston, Andrews, Baylor, Brinley, Buford, Clarke, Dent, Foster, King, Lea, McAllister, Phillips, Rodgers, Thornton, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Creagh, Hudson, Jones, McClanahan, McConnell, Oliver, Reese, Ross, Toulmin, Turner, Watrous and Womack.

The hour of eleven o'clock having arrived, the Senate took up the special order of the day, which was joint resolutions in relation to the distribution of the proceeds of the public lands. Mr Hudson's motion to disagree to the report of the committee being under consideration.

Message from the House of Representatives by Mr Tunstall.

Mr PRESIDENT: The House have adopted the following resolution:

RESOLVED: that the Senate be now invited into the Hall of the House for the purpose of going into the election of judge of the county court of the county of Lowndes, and a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

On motion of **Mr Hudson**, the further consideration of the resolutions in relation to the act of Congress, for the distribution of the proceeds of the sales of the public lands among the States, was postponed for the present.

The Senate then, in accordance with the invitation which they had received from the House, repaired to the Hall of the House of Representatives, and were seated.

Mr President arose and announced the object of the meeting of the two houses.

The two Houses then proceeded to the election of a judge of the county court of Lowndes.

Messrs **A. J. McGehee**, **J. Mushat**, **R. H. Stanley**, **W. B. Johnson** and **T. M. Williams**, being in nomination.

Those who voted for **Mr McGehee** are messrs **Alston**, **Andress**, **Buford**, **Clarke**, **Dent**, **Foster**, **Hudson**, **Hunter**, **King**, **Lea**, **McVay**, **Oliver**, **Phillips**, **Ross**, **Thornton**, **Watrous** and **Womack**, of the Senate; and messrs **Barker**, **Barron**, **Bradley**, **Broughton**, **Chiles**, **Covington**, **Crenshaw**, **Davis** of **B.**, **Erwin**, **Gardner**, **Gresham**, **Griffin** of **S.**, **Harris**, **Henry**, **Hutchinson**, **Jones** of **Cov.**, **Jefferson**, **R. McAlpin**, **S. McAlpin**, **Mason**, **McLemore**, **Mitchell**, **Mundy**, **Norris**, **Perkins**, **Rhodes**, **Rushing**, **Smith** of **H.**, **Smith** of **T.**, **Spruill**, **Steele**, **Stinson**, **Taylor**, **Walker** of **B.**, **Wallace**, **Ware** and **Young**—55.

Those who voted for **Mr Mushat** are messrs **Baylor**, **Brindley**, **Creagh**, **McAllister**, **McConnell** and **Wilson** of **J.** of the Senate; and messrs **Griffin** of **M.**, **Hogan**, **Hunter**, **James**, **Justice**, **King**, **McAllister**, **McMillion** of **B.**, **Moore**, **Morgan**, **Musgrove**, **Rushing**, **Scott**, **Winston** and **Yancy**—22.

Those who voted for **Mr Stanley** are messrs **McClanahan** and **Rodgers** of the Senate—2.

Those who voted for **Mr Johnson** are messrs **President**, **Turner** and **Wilson** of **F.** of the Senate; and messrs **Speaker**, **Armbrister**, **Bishop**, **Fletcher**, **Haughton**, **Heflin**, **Jones** of **M.**, **Marchbanks**, **Phillips**, **Randolph**, **Reynolds**, **Smith** of **J.**, **Storrs**, **Valliant**, **Walker** of **L.** and **Wynn** of the House—19.

Those who voted for **Mr Williams** are, messrs **Jones**, **Reese**, and **Toulmin**, of the Senate; and messrs **Alexander** of **Lauderdale**, **Alexander** of **Low.**, **Allen**, **Barleson**, **Cain**, **Clemens**, **Cochran**, **Davenport**, **Davis** of **Libb**, **Garland**, **Hammond**, **Henslee**, **Houston**, **Jones** of **Covington**, **Kennedy**, **Kidd**, **B. McAlpin**, **McLeod**, **McMillion** of **J.**, **Moore**, **Norman**, **Norwood**, **Rice**, **Rodgers**, **Smith** of **L.**, **Strode**, **Troup** and **Woodward**, of the House—31.

Neither having received a majority, the two houses proceeded to ballot a second time, the name of **Stanley** having been withdrawn.

Those who voted for **Mr McGehee** are, messrs **Andress**, **Clarke**, **Creagh**, **Dent**, **Hudson**, **Hunter**, **King**, **Lea**, **McVay**, **Oliver**, **Phillips**, **Ross**, **Thornton**, **Watrous** and **Womack**, of the Senate; and Messrs **Barker**, **Bradley**, **Barron**, **Broughton**, **Chiles**, **Covington**, **Crenshaw**, **Crawford**, **Davenport**, **Davis** of **B.**, **Erwin**, **Gardner**, **Garland**, **Griffin** of **M.**, **Griffin** of **S.**, **Harris**, **Henry**, **Hutchinson**, **Jones** of **Cov.**, **Jefferson**, **Jemison**, **R. McAlpin**, **S. McAlpin**, **McLemore**, **Mitchell**, **Moors**, **Mundy**, **Norris**, **Norwood**, **Rhodes**, **Scott**, **Smith** of **T.**, **Spruill**, **Storrs**, **Stinson**, **Walker** of **B.**, **Wallace**, **Ware** and **Young**—55.

Those who voted for **Mr Mushat** are, messrs **Baylor**, **Brindley**, **McClanahan**, **McConnell**, and **Rodgers**, of the Senate; and messrs **Hogan**, **Hunter**, **Justice**, **McAllister**, **McMillion** of **B.**, **McMillion** of **J.**, **Morgan**, **Musgrove**, **Randolph**, **Smith** of **H.**, **Walker** of **L.**, **Winston** and **Yancy**, of the House—18.



Those who voted for Mr Johnson are messrs President and McAllister, of the Senate; and messrs Speaker, Armbrister, Bishop, Fletcher, Haughton, Heflin, Jones of M., Marchbanks, Reynolds, Smith of J. and Wynn of the House—13.

Those who voted for Mr Williams are, Messrs Buford, Foster, Jones, Reese, Toulmin, Turner and Wilson of J. of the Senate; and messrs Alexander of Lauderdale, Alexander of Lowndes, Allen, Burleson, Cain, Clemens, Cochran, Davis of L., Gresham, Griffin of J., Hammond, Henslee, Houston, James, Jones of Cov., Kennedy, Kidd, King, B. McAlpin, McLeod, Moore, Norman, Phillips, Rice, Rhodes, Rushing, Smith of L., Steele, Strode, Taylor, Troup, Valiant and Woodward—40.

Neither having received a majority the two Houses proceeded to ballot a third time, the name of Mr Mushat being withdrawn.

Those who voted for Mr Johnson are Messrs Speaker and Wynn, of the House of Representatives—2.

Those who voted for Mr McGehee are, messrs Alston, Andress, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Wornack, of the Senate; and Messrs Barker, Barron, Bracey, Broughton, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Cov., Jefferson, Jemison, Justice, Mason, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Spruill, Storrs, Stinson, Walker of B., Wallace, Ware and Young—59.

Those who voted for Mr Williams are Messrs President, Baylor, Brindley, Buford, Foster, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J., of the Senate; and Messrs Alexander of Laud., Alexander of Lowndes, Armbrister, Bishop, Burleson, Cain, Clemens, Cochran, Davis of B., Fletcher, Garland, Griffin of J., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, Jones of Cov., James, Jones of M., Kennedy, Kidd, King, Marchbanks, B. McAlpin, McAllister, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of L., Steele, Strode, Taylor, Troup, Valiant, Walker, Winston, Woodward and Yancy—68.

Mr Williams having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Lowndes county, for the term prescribed by law.

The two Houses next proceeded to the election of a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

Messrs A. P. BAGBY, DAVID HUBBARD, DAVID MOORE and JACK SHACKELFORD, being in nomination.

Those who voted for Mr Bagby are, Messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Reese, Toulmin, Turner and Wilson of F., of the Senate; Messrs Alexander of Laud., Allen, Bishop, Burleson, Cochran, Garland, Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Justice, Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Nor-

man, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Steele, Strode, Taylor, Walker of B., Winston, Woodward, Wynn and Yancy, of the House—59.

Those who voted for Mr Hubbard are, messrs McClanahan, Rodgers and Wilson of J., of the Senate; messrs Davis of L. and Valliant, of the House of Representatives—5.

Those who voted for Mr Shackelford are, messrs Barker, Crenshaw, Rice and Walker of L., of the House—4.

Those who voted for Mr Moore are messrs Alston, Andress, Buford, Hunter, Dent, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs Alexander of Lowndes, Armbrister, Barron, Bradley, Broughton, Cain, Chiles, Clemens, Covington, Crawford, Davenport, Davis of B., Erwin, Fletcher, Gardner, Gresham, Griffin of J., Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Cov., Jefferson, Jemison, Kidd, King, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of J., Spruill, Storrs, Stinson, Troup, Wallace, Ware and Young, of the House—60.

Neither gentleman having received a majority of the whole number of votes cast, the two Houses proceeded to ballot again.

Those who voted for Mr Bagby are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McConnell, McVay, Reese, Toulmin, Turner, Wilson of F. and Wilson of J., of the Senate; and messrs Alexander of Lauderdale, Alexander of Lowndes, Allen, Bishop, Burleson, Cochran, Fletcher, Garland, Griffin of J., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Justice, Kennedy, King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Steele, Strode, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Yancy, of the House—66.

Mr Walker of L. voted for Mr Shackelford.

Those who voted for Mr Hubbard are, Messrs. Rogers of the Senate; and Davis of L. and Valliant, of the House—3.

Those who voted for Mr Moore are Messrs Alston, Andress, Buford, Dent, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and Messrs Armbrister, Barker, Barron, Bradley, Broughton, Cain, Chiles, Clemens, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Cov., Jefferson, Jemison, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rice, Rhodes, Scott, Smith of J., Spruill, Storrs, Stinson, Wallace, Ware and Young, of the House—59.

Mr Bagby having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Senator, to fill the vacancy of the Hon. C. C. Clay, resigned.

The Senate then withdrew from the hall of the House and repaired to their chamber.

Mr President resumed the chair and called the Senate to order.

On motion of Mr Hunter, the Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 25, 1841.

The Senate met pursuant to adjournment.

Mr. Foulman, chairman of the State bank committee, presented to the Senate the answers of James Fennell, President of the branch bank of the State of Alabama at Decatur, and Robert Fenner, chairman of the board of the commissioners appointed to examine into the affairs of the said branch bank, to certain interrogatories propounded to them, in obedience to a resolution of the Senate; which were read, and on motion of Mr. Reese, ordered to lie upon the table.

Mr. Phillips, from the select committee to whom was referred a bill from the House of Representatives in relation to the Planters and Merchants' bank of Mobile, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendment was adopted by the Senate, and the bill read a second time and ordered to a third reading.

Mr. Jones introduced a bill to be entitled an act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile; which was read and ordered to a second reading.

Mr. Oliver introduced a bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedent's estate in the county courts of certain counties therein named; which was read and ordered to a second reading.

Mr. Foster introduced a bill to be entitled an act to establish jury trials in justices courts, and to regulate the proceedings therein; which was read a first time, and on motion of Mr. Reese, the constitutional rule being dispensed with, the bill was read a second time and referred to the committee on the judiciary.

Mr. McConnell presented the petition of Robert Nelson, of Talladega, the reading of which was dispensed with, and on motion referred to the committee on Indian expenditures.

Mr. Buford presented the account of David Covington, the reading of which was dispensed with, and on motion referred to the committee on Indian expenditures.

Mr. Wilson of J., presented the account of Joiner Greeley, the former jailor of Jackson county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr. Foster presented an account providing for the payment of the burial expenses of John H. Garrett; the reading of which was dispensed with, and on motion referred to the committee of accounts and claims.

Mr. Alston introduced a bill to be entitled an act to incorporate the Magnolia male and female academy, in the county of Marengo; which was read and ordered to a second reading.

Mr. Creagh, from the select committee to whom was referred a bill to be entitled an act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved Jan. 9, 1841, reported that it was inexpedient to pass the same.

The Senate refused to concur in the report, and the bill was placed among the orders of the day.

The Senate then resumed the consideration of the joint resolution in relation to the act of the Congress of the United States, distributing the proceeds of the sales of the public lands among the States, and granting pre-emption rights to settlers; the question being on Mr Hudson's motion to disagree to the report of the committee, and after considerable discussion was had thereon, the Senate, on motion of Mr Jones, adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOV. 26, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin, from the State bank committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law preventing any extra pay being allowed any cashier, clerk, agent, or bank attorney in the bank of the State of Alabama or any of its branches, and of making any President or Director who may vote for such extra allowance, liable for the same, &c. reported a bill to be entitled an act to prohibit an increase of salary to any officer of the State bank or either of its branch banks; which was read and ordered to a second reading.

Mr Toulmin, from the same committee to whom was referred a bill to be entitled an act, better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

Mr Baylor, from the committee on education, to whom was referred a bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendment proposed by the committee were adopted by the Senate, and the bill, on motion of Mr Creagh, was ordered to lie upon the table.

Mr Jones, from the committee on education, to whom was referred a bill to be entitled an act to repeal an act, entitled an act to raise a school fund to aid the valueless 16th sections in this State, reported the same back to the Senate without amendment, and recommended its passage.

The bill, on motion of Mr Hudson, was indefinitely postponed. Yeas 16—Nays 11.

Those who voted in the affirmative are, messrs President, Andress, Brindley, Clarke, Foster, Hudson, King, Lea, McAllister, McClanahan, McConnell, Reese, Rodgers, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs Akston, Baylor, Creagh, Hunter, Jones, Oliver, Phillips, Thornton, Toulmin, Watrous and Wilson of F.

A message was received from his Excellency the Governor by Mr Garrett, Secretary of State.

Mr President: His excellency the Governor this day approved a bill to be entitled an act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes; which originated in the Senate.

A message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted the memorial from the Senate in relation to a land district in the Cherokee part of Alabama, and have amended it as therein shewn.



They concur in the amendment made by the Senate to the bill to prevent free persons of color from entering into and remaining in this State.

They have adopted joint resolutions upon the laws regulating postage. In which the concurrence of the Senate is respectfully asked.

The amendment of the House to the joint resolutions of the Senate in relation to a land district in the Cherokee part of Alabama, was concurred in.

Joint resolutions from the House of Representatives upon the law regulating postage, were read and adopted.

Ordered, that the title remain as aforesaid, and that the Senate be acquainted therewith.

On motion of Mr Creagh, the bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections, was taken from the table.

Mr Jones offered the following amendment, to come in at the end of the 1st section, to wit:

Provided, however, that the said banks shall be only required to set apart any profit which they may have for this purpose, over and above their expenses; which was rejected. Yeas 13—Nays 15.

Those who voted for its adoption are, messrs Alston, Baylor, Creagh, Hunter, Jones, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of F.

Those who voted in the negative are, messrs President, Andress, Brindley, Clarke, Foster, Hudson, King, Lea, McClanahan, McConnell, Rodgers, Wilson of J. and Womack.

Mr Buford offered further to amend, by striking out the words, one hundred thousand dollars, wherever they occur, and inserting in lieu thereof, two hundred thousand dollars.

Mr Creagh called for a division of the question; which was first taken on striking out, and lost. Yeas 10. Nays 18.

Those who voted in the affirmative are, messrs Alston, Briendley, Buford, Creagh, Hunter, McConnell, Oliver, Phillips, Thornton, and Toulmin.

Those who voted in the negative are, messrs President, Andress, Baylor, Clarke, Foster, Hudson, Jones, King, Lea, McAllister, McClanahan, Ross, Rodgers, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Andress, from the committee on propositions and grievances, to which was referred the petition of S. G. K. Shannon, reported, that it was inexpedient to grant the prayer of said petitioner; in which the Senate concurred.

Mr McConnell, from the committee on county boundaries, to which was referred the petition and counter petition, of sundry citizens of Bibb county, reported, that it was inexpedient to grant the prayer of said petitioners; in which the Senate concurred.

Mr Andress, from the committee on propositions and grievances, to which was referred the petition of Bethel Harris, reported a bill, and recommended its passage, which was read and ordered to a second reading.

Mr Andress, from the same committee, to which referred the accounts of George R. Evins, Register in Chancery, reported the same back to the Senate, and asked its reference to the committee on accounts and claims; in which the Senate concurred.

Mr Baylor presented the memorial of Dorcas M. Elin, Jane and Isabella

Beck, the reading of which was dispensed with, and on motion, referred to the committee on the State bank.

On motion of Mr McConnell, the resolutions from the House of Representatives, in relation to the frauds alleged to have been committed upon the State bank and branches, was taken from the table.

Mr Buford offered the following amendment to said resolutions, to wit:

Be it further resolved, that any person may exhibit before said committee, or any one or more of them, specifications against any person or persons, suspected of communion with, or participation in any fraud upon said bank or branches, designating the particular charges; and such member, or members, shall proceed to notify the party charged, and hear witnesses for both parties.

Mr Jones moved to refer the resolutions, together with the amendment, to the committee on the State bank, which was lost.—Yeas 7, Nays 22.

Those who voted in the affirmative, are Messrs President, Brindley, Jones, King, McClanahan, Oliver and Thornton.

Those who voted in the negative are Messrs Alston, Address, Baylor, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Lea, McAllister, McConnell, Phillips, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

The question then recurred upon the adoption of the amendment of Mr Buford, which was unanimously adopted. Yeas 29.

Those voting in the affirmative are Messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Resse, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Jones offered the following amendment, to wit:

With power to set during recess, and report to this or the next session of the Legislature.

On motion of Mr Hudson, the resolutions, together with the amendment, were postponed until to-morrow.

Mr Buford presented the petition of Ellison Warren, the reading of which was dispensed with, and on motion, referred to the committee on propositions and grievances.

Mr Lea introduced a bill to be entitled an act to limit the time for presenting claims against estates, for debts contracted without this State, or within this State, after the removal of disabilities, which was read and ordered to a second reading.

Mr Lea introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Marion Female association, approved January 9th, 1841, which was read and ordered to a second reading.

Mr Jones moved that when the Senate adjourned, it would adjourn to meet again this evening, at 3 o'clock, which was lost.

Mr Alston presented a communication from John Beard, the reading of which was dispensed with, and on motion, referred to the committee on Internal Improvement and Inland Navigation.

On motion of Mr Toulmin, **RESOLVED**, that so much of the report of the cashier of the branch of the bank of the State of Alabama at Mobile, as relates to the liabilities of the Hon. Daniel B. Turner, Senator from Madison

county be erased, in as much as a recent communication from the cashier, shows that the name of Daniel B. Turner, ought not to have been embraced in said report,—said cashier having ascertained that D. B. Turner, whose liability he reported, is David B. Turner of the county of Marengo.

Mr Jones introduced a bill to be entitled an act to compel the commissioners and officers of the different banks in this State to make their reports according to law, which was read and ordered to a second reading.

Mr Jones introduced a bill to be entitled an act in relation to damages in the supreme court, which was read and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act for the benefit of T. G. K. Shannon, which was read and ordered to a second reading.

Mr Wilson of J., introduced a bill to be entitled an act to authorize the tax collector of Jackson county, to receive jury certificates and State claims, in payment of taxes, due said county, which was read and ordered to a second reading.

Mr King introduced a bill to be entitled an act to authorise the State bank and its several branches, to appoint bank marshalls; which was read and ordered to a second reading.

Mr Watrous introduced a bill to be entitled an act to repeal an act therein named, which was read and ordered to a second reading.

The Senate then took up the orders of the day.

Joint resolutions in relation to the act of the Congress of the U. States, distributing the proceeds of the sales of the public lands, among the States, and granting pre-emption rights to settlers: and the motion of Mr Hudson to disagree to the report of the committee on said resolutions being under consideration.

On motion of Mr Jones, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, NOV. 27, 1841.

The Senate met pursuant to adjournment.

Mr Dent presented the petition of sundry citizens of Tuscaloosa, which was read, and on motion, referred to the committee on military affairs.

Mr Reese presented the chart of the Gulf of Mexico, which, on his motion, was ordered to lie upon the table.

Mr Hudson, from the committee on Federal Relations, to whom was referred resolutions from the House of Representatives, relating to the north eastern boundary question, reported the same back to the Senate, for their consideration, with sundry amendments as therein shewn, which were concurred in; the resolutions as amended, were then adopted.

Mr Lea, from the committee on internal improvements and inland navigation, to whom was referred a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Cahawba river, reported a substitute for said bill, to be entitled an act for the improvement of the navigation of the Cahawba river, and recommended its passage. The substitute was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Alston, from the committee on divorce and alimony, to whom was referred a bill to be entitled an act for the benefit of Sally Partain, wife of James Partain, of Blount county, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Alston presented the account of John P. Blass, jailor of Marengo county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Andress, from the committee on propositions and grievances, to which was referred the memorial of Alexander Watson, late collector of Talladega county, reported that it was inexpedient to legislate further on the subject.

On motion of Mr McConnell, the report was laid on the table.

Mr Alston introduced a bill to be entitled an act to regulate injunctions in certain cases, which was read and ordered to a second reading.

Mr Wilson of F., introduced a bill to be entitled an act to prevent frauds on the State bank and its several branches, which was read and ordered to a second reading.

Mr Dent introduced a bill to be entitled an act to amend an act, entitled an act to incorporate the Tuscaloosa Guards, which was read a first time, and the constitutional rule being dispensed with it was read a second time, and on motion of Mr Dent, referred to the committee on military affairs.

Mr Phillips, from the committee on federal relations, to which was referred a joint resolution of the General Assembly of the State Indiana relative to the election of President and Vice President of the U. States, reported joint resolutions responsive to the same, and recommended their adoption, which on motion of Mr Hudson, was postponed until Tuesday next.

Mr Hudson from the committee on federal relations to whom was referred certain resolutions from the State of Indiana, and from the Commonwealth of Massachusetts, on the subject of the North-Eastern boundary question; reported, that the subject matter contained in said resolutions is now before the Senate, in a set of resolutions from the House of Representatives; the committee therefore ask leave to be discharged from the further consideration thereof; in which the Senate concurred.

Mr McConnell introduced a bill to be entitled an act for the relief of Robert Douglass, which was read and ordered to a 2d reading.

Mr Andress presented the account of Asa Parker, jailor of Monroe county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr McAllister from the committee on Indian expenditures, to whom was referred the accounts of Robert Nelson, David Covington and G. Jenkins, reported a bill to be entitled an act to provide for the payment of provisions furnished for the use of the troops while in the service of the United States, which was read and ordered to a second reading.

Message from the House of Representatives, by Mr Cook.

Mr President: The House of Representatives have read a third time and passed bills, which originated in the House of Representatives, of the following titles, to wit:

An act for better securing mechanics in the city and county of Mobile.

An act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes.

An act to reduce the fees of county court clerks, in certain cases therein named, and

An act to extend the jurisdiction of justices of the peace, in certain cases, in which they ask the concurrence of the Senate.



Bills from the House of Representatives of the following titles, to wit:

An act to extend the jurisdiction of justices of the peace, in certain cases.

An act for the better securing mechanics in the city and county of Mobile.

An act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes.

An act to reduce the fees of the county clerks, in certain cases therein named, were severally read and ordered to a second reading.

Mr Andress presented the account of W. Minnis, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

On motion of Mr McCannell: **RESOLVED**, that the committee on retrenchment inquire into expediency of reducing and defining the fees of the clerks and judges of the county courts and registers in chancery.

On motion of Mr McConnell, the Senate then took up the resolutions from the House of Representatives, in relation to the frauds alleged to have been committed on the bank of the State of Alabama and its several branches. The question being on the adoption of the amendment heretofore offered by Mr Buford, which amendment by leave of the Senate, was withdrawn.

Mr McConnell moved to strike out the third resolution, which was carried.

On motion of Mr Phillips, the resolutions were further amended by striking out that portion of the second resolution, which provides for the compensation of sheriffs, deputy sheriffs and constables for serving process, issued by the committee. The resolutions as amended, were then adopted, and messrs McConnell, Reese, Baylor, Buford and Hudson were appointed a committee on the part of the Senate.

The hour of 11 o'clock, having arrived, the Senate resumed the consideration of the joint resolutions in relation to the act of Congress of the United States, distributing the proceeds of the sales of the public lands; the question being on Mr Hudson's motion to disagree to the report of the committee.—After some time being spent in the discussion of said resolutions, they were on motion of Mr Hudson, postponed until Monday next, and made the special order for that day at 11 o'clock.

Mr Hudson, from the committee on federal relations, to whom was referred a bill to be entitled an act in relation to the dividend of this State in the public land fund, reported the same with sundry amendments as therein shewn, for the consideration of the Senate.

The report, on motion of Mr Hudson, was ordered to lie on the table.

Mr Terry offered the following preamble and joint resolutions, to wit:

Whereas, the people of this State viewing the bankrupt law of the late extra session of Congress as a measure of wild impolicy, and of gross injustice, and entertaining serious fears of its operation upon the great interest they have at stake in their banking institutions, by depriving them of their only means, apart from onerous taxation, of redeeming the bonds of the State, and thereby saving inviolate their plighted faith:

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in general Assembly convened, that our Senators are hereby instructed, and our Representatives requested, to use their best endeavors to procure an immediate repeal of the bankrupt law; and in the event of their not being able to procure its repeal, they are alike instructed and requested to use their like endeavors to have the debtors to the bank of the State of Ala-

bama and the several branches thereof, exempted from the provisions of said law; so far as it relates to their debts due to said bank and branches.

And be it further resolved, by the authority aforesaid, that the Governor of this State is hereby requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

Mr Phillips called for a division of the question for the purpose of taking the vote separately upon the two propositions contained in the first resolution.

Mr Oliver moved to refer the resolutions to the judiciary committee, and the question being taken thereon, it was lost. Yeas 9—Nays 17.

Those who voted in the affirmative are, messrs Address, Buford, Dent, Hunter, Lea, Oliver, Phillips, Ross and Watrous.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of F.

Mr Buford offered the following amendment, to wit: Strike out all of the preamble and insert in lieu thereof, "that said measure may make some political capital for the party that passed it."

Mr Dent moved to adjourn; which was lost. Yeas 11—Nays 15.

Those who voted in the affirmative are, messrs Address, Buford, Dent, Hunter, Lea, McConnell, Oliver, Phillips, Ross, Thornton and Watrous.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of F.

On motion of Mr McConnell, the further consideration of the subject was postponed until Tuesday next, and made the special order for 11 o'clock of that day.

On motion of Mr Reese, the bill to be entitled an act to accept the two per cent. fund, was taken from the table and placed among the orders of the day.

On motion of Mr Buford, the Senate then adjourned until Monday morning 10 o'clock.

MONDAY, Nov. 29, 1841.

The Senate met pursuant to adjournment.

Mr Clarke presented the petition of sundry citizens of Benton county, the reading of which was dispensed with, and on motion referred to the committee on the State bank.

Mr Toulmin, from the committee on the judiciary, to which was referred a bill to be entitled an act to regulate and fix the fees of witnesses when the State is a party, reported the same back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to amend the law regulating proceedings in chancery courts, reported that it was inexpedient to enact the same; which, on motion of Mr Lea, was ordered to lie on the table.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of George R. Evans, register in chancery at Cahawba, for articles furnished said office, reported that it was inexpedient to allow the same; in which the Senate concurred.

Mr Hudson, from the same committee to whom was referred the account

of George Dickey, for collecting muskets, reported that the account was not properly a State charge, and therefore ought not to be allowed; in which the Senate concurred.

Mr Hudson, from the same committee to whom was referred the petition of Thomas P. Sims, jailor of Lowndes county, praying that an allowance of not less than two hundred dollars, be made him for extra services as jailor aforesaid, reported that it was not properly a State charge, and therefore ought not to be allowed; in which the Senate concurred.

Mr Hudson, from the same committee to whom was referred the account of H. A. Dufrise, of Talladega, for making sundry articles for the use of a company of volunteers, reported that it was not a claim that ought to be allowed; in which the Senate concurred.

Mr Turner, from the committee on the judiciary, to whom was referred a bill to be entitled an act to regulate writs of error, reported the same back to the Senate without amendment, and recommended its passage.

The bill was then placed among the orders of the day.

Mr Womack introduced a bill to be entitled an act to authorise the election of a justice of the peace in the town of Greenville, Butler county; which was read and ordered to a second reading.

Mr Toulmin, chairman of the committee on the State bank, to whom was referred a resolution instructing him to inquire of the cashier of the bank of the State of Alabama and the several branch banks thereof, the amount and description of property purchased by said banks, &c. &c. laid before the Senate in obedience to said resolution, communications from the cashiers of the banks aforesaid, on that subject; the reading of which was dispensed with, and on motion of Mr Hudson, ordered to lie upon the table.

Mr President laid before the Senate the annual report of the Comptroller of public accounts, the reading of which was dispensed with, and on motion of Mr Hudson, laid on the table, and one hundred and thirty-three copies thereof ordered to be printed.

On motion of Mr Hall, the bill to be entitled an act fixing the time for holding justices courts in the counties of Coosa and Autauga, and for other purposes, was taken from the table and placed among the orders of the day.

Mr Baylor presented the petition of Elizabeth Thrasher, of St. Clair county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Jones moved to suspend the special order; which was carried.

The Senate then took up the regular orders of the day.

A bill from the House of Representatives to be entitled an act for the relief of tales jurors, in the county of St. Clair and other counties was read a third time.

Mr McConnell offered an additional section; which was adopted.

The bill as amended was passed by the Senate.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to provide for holding the circuit courts of certain counties, was read a second time, and on motion of Mr Wilson of F., ordered to lie on the table.

A bill to be entitled an act to incorporate the Stockton steam-boat and ware-house company of the county of Baldwin, was read a second time.

Mr Baylor moved to postpone the bill until Saturday next; which was lost.

The bill was then, on Mr Bayler's motion, referred to the judiciary committee.

Bills from the House of Representatives of the following titles, to wit:

An act to amend the charter of the Planters and Merchant bank of Mobile.

An act to repeal in part and amend an act entitled an act to wind up the Courtland land office, approved January 9, 1841, were each read a third time and passed.

Ordered, that the titles of the same remain as aforesaid.

A message was received from his Excellency the Governor by Mr Garrett.

EXECUTIVE DEPARTMENT,

Tuscaloosa, Nov. 29, 1841. }

To the President of the Senate:

SIR: I have the honor to communicate to your honorable body, the resignation of James E. Belser, Esq. solicitor of the 8th judicial circuit, to take effect after the 5th December next.

BEN. FITZPATRICK.

Engrossed bill to be entitled an act for the benefit of the poor, and in aid of valueless 16th sections, was read a third time, and on motion of Mr Dept, postponed until Wednesday next, and made the special order for 11 o'clock of that day.

A bill to be entitled an act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile, was read a second time.

Mr Creagh offered the following amendment to come in at the end of the bill, to wit: "And that at two thirds of its estimated value."

On motion of Mr Creagh, the bill, together with the amendment, was referred to the committee on the State bank.

A bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act to incorporate the Magnolia male and female academy in the county of Marengo, was read a second time, and on motion of Mr Hudson, referred to the committee on education.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, was read a second time.

Mr Creagh moved to strike out the 1st and second sections of said bill.

On motion of Mr Terry, the bill was postponed until Wednesday next, and made the special order for 11 o'clock of that day.

Bills of the following titles, to wit:

An act to prohibit the increase of salary to any officer of the State bank and branches.

An act for the relief of Bethel Homes.

An act to amend an act to incorporate the Marion female association, approved 9th January, 1841.

An act to compel commissioners and officers of the different banks in this State to make their reports according to law.

An act for the relief of T. G. K. Shanon.

An act to authorise the tax collector of Jackson county, to receive jury certificates and State claims in payment of taxes due said county.



An act to provide for the payment of provisions furnished the troops while in the service of the United States.

An act to regulate and fix the fees of witnesses when the State is a party, and for other purposes.

An act to regulate writs of error; were severally read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to limit the time for presenting claims against estates for debts contracted without this State or within this State, after the removal of disabilities, was read a second time, and on motion of Mr Lea, referred to the judiciary committee.

A bill to be entitled an act in relation to damages in the supreme court, was read a second time, and on motion of Mr Jones, referred to the committee on the judiciary.

A bill to be entitled an act to authorise the State bank and its several branches to appoint bank marshalls, was read a second time and ordered to be engrossed for a third reading. Yeas 20—Nays 7.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, Oliver, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs Foster, Lea, Phillips, Rodgers, Watrous and Wilson of F.

A bill to be entitled an act to repeal an act therein named, was read a second time, and on motion of Mr Phillips referred to the judiciary committee.

A bill to be entitled an act to accept the two per cent. fund, was read a second time, and on motion of Mr Baylor, the further consideration thereof was postponed until Thursday next, and made the special order for 11 o'clock on that day.

Engrossed bill to be entitled an act to improve the navigation of the Cahawba river, was read a third time and passed. Yeas 18—Nays 11.

Those who voted in the affirmative are, messrs President, Andress, Baylor, Brindley, Hunter, Jones, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, McClanahan, Rodgers, Wilson of F. and Womack.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to regulate injunctions in certain cases, was read a second time, and on motion of Mr Phillips, referred to the judiciary committee.

A bill to be entitled an act to prevent frauds on the State bank and its several branches, was read a second time.

Mr Jones offered an amendment thereto, which, together with the bill, was on motion of Mr Hudson, referred to the committee on the State bank.

A bill to be entitled an act for the relief of Robert Douglass, was read a second time, and on motion of Mr Dent, ordered to lie upon the table.

A bill from the House of Representatives to be entitled an act for the better securing mechanics in the city and county of Mobile, was read a second time and ordered to a third reading.

A bill from the House of Representatives to be entitled an act to regulate the proceedings of the circuit courts of Montgomery county, and for other

purposes, was read a second time, and on motion of Mr Bagby, referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act to reduce the fees of the county court clerks in certain cases therein named, was read a second time, and on motion of Mr McConnell, referred to the judiciary committee.

A bill from the House of Representatives to be entitled an act to extend the jurisdiction of justices of the peace in certain cases, was read a second time, and on motion of Mr McConnell, referred to the committee on the judiciary.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed bills which originated in the Senate of the following titles, to wit:

An act concerning executors and administrators.

An act to amend the charter of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes.

Also a bill which originated in the House of Representatives to be entitled an act to alter and amend the laws of this State relative to the collection of claims against steam-boats and other water crafts navigating the waters of Alabama; in which they respectfully ask the concurrence of the Senate.

A bill from the House of Representatives to be entitled an act to amend the laws of this State relative to the collection of claims against steam-boats and other water crafts navigating the waters of Alabama, was read and ordered to a second reading.

The Senate then resumed the consideration of the special order, which was a preamble and joint resolutions in relation to an act of the Congress of the United States, distributing the proceeds of the public lands among the several States, and granting pre-emption rights to settlers.

The question being on Mr Hudson's motion to disagree to the report of the committee on federal relations,

On motion of Mr Creagh, the further consideration of the resolution was postponed till to-morrow 11 o'clock.

Mr Toulmin introduced a bill to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23, 1822; which was read and ordered to a second reading.

Mr Thornton offered the following resolution:

**RESOLVED**, that the committee on the judiciary be instructed to prepare and report a bill to the Senate making provisions for the selection and location of the public lands in the State of Alabama belonging to this State by virtue of the 8th section of an act of Congress, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 4, 1841; which was adopted. Yeas 19—Nays 5.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McConnell, Oliver, Phillips, Ross, Thornton and Watrous.

Those who voted in the negative are, messrs McAllister, McClanahan, Reese, Rodgers and Toulmin.

Mr McConnell moved to take from the table a bill to be entitled an act for the relief of Robert Douglass; which was carried.

On motion of Mr Creagh, the Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, NOV. 30, 1841.

The Senate met pursuant to adjournment.

Mr Wilson of F., presented the account of R. H. Poe, sheriff of Fayette county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Thornton presented the petition of Henry Wature, the reading of which was dispensed with, and on motion referred to the committee on the judiciary.

Mr McCianahan, from the committee on military affairs, to whom was referred a bill to be entitled an act to amend an act to incorporate the Tuscaloosa guards, reported the same back to the Senate with the following amendment, to wit: "Provided also, that said company shall not have at any one time more than one set of arms and accoutrements."

The amendment was adopted by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Andress, from the committee on propositions and grievances to which was referred the petition of sundry citizens of Madison county, asking an amendment of the act incorporating the Madison turnpike company, reported a bill in conformity with the prayer of said petitioners; which was read and ordered to a second reading.

Mr Andress presented the account of Dixon Hester, jailor of Monroe county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Foster introduced a bill to be entitled an act more fully to explain the 1st, 2d, 3d and 4th sections of the 14th chapter of the penal code upon the subject of pardons and reprieves; which was read a 1st time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith.

Mr Hunter offered the following amendment to said bill; which was adopted, to wit: "Provided, that nothing in this act shall be so construed as to take from the Governor the right to commute the punishment of any convict at the instance of said convict.

The question was then taken on ordering the bill to be engrossed for a third reading; which was lost, Yeas 11—Nays 15.

Those who voted in the affirmative are, messrs Brindley, Creagh, Dent, Foster, Hall, Jones, McConnell, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted in the negative are messrs President. Andress, Baylor, Clarke, Hudson, Lea, McAllister, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Watrous and Wilson of J.

Mr President laid before the Senate the annual report of the State Treasurer, the reading of which was dispensed with, and on motion of Mr Hudson, laid on the table, and 133 copies thereof ordered to be printed.

Mr Reese, from the committee on retrenchment, to whom was referred a resolution inquiring into the expediency of reducing the pay of members of the legislature when absent, reported that it was inexpedient, because a member when absent, unless upon the business of the legislature, was not entitled

to pay, according to the existing law upon that subject. (See Aik. Dig. p. 217.) The report was concurred in by the Senate.

On motion of Mr. Watrous, the vote just taken upon refusing to order the bill to be entitled an act more fully to explain the 1st, 2d, 3d and 4th sections of the 14th chapter of the penal code, upon the subject of pardons and reprieves, was reconsidered.

Mr. Hudson moved to refer the bill to the judiciary committee; which was lost.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Jones, resolved, that the House of Representatives be requested to furnish the Senate with the report of the indebtedness of the members of the legislature from the different banks of this State.

On motion of Mr. Jones, resolved, that the State printers be instructed to furnish, for the use of the Senate, 250 copies of the reports of the officers and commissioners of the different banks of this State, which have been ordered to be printed by the House, or any less number, provided they cannot furnish the whole without re-setting the type.

A message was received from the House of Representatives by Mr. Cook.

Mr. President: The House of Representatives have read three several times and passed the joint resolutions which originated in the Senate for the relief of Tho's Kellough, tax collector of Sumter county, and for other purposes.

They have read three several times and passed bills which originated in the House of Representatives of the following titles, to wit:

An act to establish an additional regiment of the militia of this State in the county of Talladega.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee rail road company, approved Dec. 22, 1836.

An act to incorporate the Mobile hook and ladder company No. 1, and fire companies No. 3, 6 and 7, of the city of Mobile.

An act for the relief of Harriet Hatfield and others.

An act to appoint court-house commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841.

An act to repeal the general ticket law.

In which they ask the concurrence of the Senate.

They disagree to the amendment made by the Senate to the resolution relating to the north-eastern boundary.

Bills from the House of Representatives of the following titles, to wit:

An act to appoint court-house commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to incorporate the Mobile hook and ladder company No. 1, and fire companies No. 3, 6 and 7, of the city of Mobile.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee rail road company approved Dec. 22, 1836.

An act to establish an additional regiment of the militia of this State in the county of Talladega, were severally read and ordered to a second reading.

A bill from the House of Representatives to be entitled an act to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved Jan. 9, 1841, was read a first time.



Mr Creagh moved to postpone the bill until the 19th day of December next; which was lost. It was then ordered to a second reading.

A bill from the House of Representatives to be entitled an act to repeal the general ticket law, was read and ordered to a second reading. Yeas 18—Nays 10.

Those who voted in the affirmative, are messrs Address, Buford, Dent, Foster, Hudson, Hunter, Jones, Lea, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous and Womack.

Those who voted in the negative, are messrs President, Baylor, Brindley, Creagh, McAllister, McClanahan, Turner, Wilson of F., Wilson of J.

A bill from the House of Representatives, to be entitled an act for the relief Harriet Hatfield, was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith.

Mr Terry offered the following amendment, to wit: "And all others in a similar situation."

Mr Terry moved the reference of the bill, together with the amendment to the committee on the judiciary, with instructions to report by a general bill on the subject; and the question being taken thereon, it was lost. Yeas 7. Nays 22.

Those who voted in the affirmative are, messrs President, Hudson, McAllister, McVay, Oliver, Rodgers and Wilson of J.

Those who voted in the negative are, messrs Address, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, Lea, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., and Womack.

Mr Rodgers offered the following amendment, to wit: "Also that they be permitted in all elections, state or county; and that their husbands be prevented from the same."

Mr Wilson offered the following as an amendment to the amendment, to wit: provided the provisions of this act shall not apply so long as they live separate.

Mr McConnell moved to refer the bill and amendments, to the committee on divorce and alimony; which was lost.

Mr Turner to the committee on propositions and grievances; which was carried.

Joint resolutions from the House of Representatives, in relation to the North-eastern boundary, The amendment of the Senate, which had been rejected by the House, being under consideration,

Mr Hudson moved to lay the resolutions with the amendment, on the table; which was carried. Yeas 22. Nays 7.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hunter, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Toulmin, Turner, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs Buford, Hall, Oliver, Phillips, Reese, Rodgers, Thornton.

On motion of Mr Phillips: **RESOLVED**, that the House of Representatives be respectfully requested to inform the Senate, whether they concurred or disagreed to the 1st, 2d and 3d amendments, made by the Senate to the resolutions from the State of Indiana, on the subject of the North-eastern boundary.

On motion of Mr Turner: **RESOLVED**, by the Senate, that with the concurrence of House of Representatives, the two Houses will assemble in the hall of the House on Friday next the 3d December at the hour of 12 o'clock M, to elect a judge of the circuit court for the 5th judicial circuit.

Mr Thornton offered the following joint resolutions.

Be it resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives in the House of Representatives be respectfully requested to bring forward and support a proposition to amend the constitution of the United States as to article 13, to the amendments to the constitution, in lieu of the 2d clause of the 7th section of the 1st article thereof, the following amendment, viz: Every bill which shall have passed the House of Representatives and the Senate, shall before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it with his objections to that House, in which it shall have originated, who shall enter the objections at large, in their journals, and proceed to reconsider it. If, after such reconsideration, a majority of that House shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of that House, it shall become a law. If any bill shall not be returned by the President, within ten days after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it, unless the Congress by their adjournment, prevent its return, in which case, it shall not be a law.

On motion of Mr Terry, the resolution was indefinitely postponed. Yeas 19—Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hall, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner, Watrous, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs Andress, Buford, Dent, Hunter, Lea, Oliver, Phillips, Ross and Thornton.

Mr Buford offered the following resolution: **RESOLVED**, that it be the duty of the door-keeper to request gentlemen to desist from smoking in the Senate chamber, or leaving their seats during the business hours of the Senate; which was lost.

The Senate then took up the special order:

Joint resolutions in relation to the distribution of the proceeds of the sales of the public lands among the several States. The question was on Mr Hudson's motion to disagree to the report of the committee on federal relations, on said resolutions.

On motion of Mr Womack, the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 1, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented a communication from the Secretary of State, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Foster presented the account of the jailor of Cherokee county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Toulmin from the committee on the State bank, to whom was referred the petition of sundry citizens of Benton county, asking for the passage of a law for the relief of Amos T. Lard of Jacksonville, reported, that it was inexpedient to legislate on the subject, in which the Senate concurred.

Mr Toulmin from the same committee, to whom was referred a bill, to be entitled an act to prevent frauds on the State bank and its several branches, reported five additional sections, as amendments to said bill, to come in after the second section, and thus amended, recommended its passage. The amendment was concurred in by the Senate.

Mr Dent offered the following amendment, to wit: And be it further enacted, that an additional clerk shall be employed by each bank, whose duty it shall be to discharge the onerous duty required under this act. Provided, he shall be able to do so.

On motion of Mr Lea, the bill, together with the amendment, was referred to the committee on the judiciary.

Mr Thornton from the committee on the judiciary, to which was referred a bill, to be entitled an act respecting depositions, reported the same back to the Senate, and recommended its passage, with the following amendments, to wit: Strike out all the 2d section, after the word case, where it occurs in the twenty-fifth line thereof, "and be considered sufficient notice to the party so absent without any known agent or attorney" and also the following proviso, viz: Provided, that this act shall only apply in civil cases at common law and where the mode of taking depositions by filing interrogatories is pursued, all of which was concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to establish jury trials in justices courts in the counties therein named, and to regulate proceedings therein, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading. Yeas 16. Nays 11.

Those who voted in the affirmative are, messrs President, Buford, Clarke, Daily, Foster, Hunter, King, Lea, McAllister, McConnell, Oliver, Reese, Thornton, Toulmin, Wilson of J., and Womack.

Those who voted in the negative are, messrs Address, Baylor, Creagh, Hudson, Jones, McClanahan, Phillips, Ross, Rodgers, Turner and Watrous.

On motion of Mr Hudson, leave of absence was granted Mr Wilson of F., for an indefinite period.

Mr Toulmin from the committee on the State bank, to which was referred a bill to be entitled an act to regulate bills of exchange by the branch of the bank of the State of Alabama at Mobile, reported that the committee had amended the same by striking out the words "or domestic" in the eight line of the 1st section, and by adding the following proviso, at the end of the bill, to wit: Provided, that nothing herein contained shall be construed to dispense with endorsers as now required by law, and that the committee refused to adopt the amendment referred with the bill.

Mr Creagh moved to disagree to so much of the report as rejected the amendment, referred with the bill; which was lost. Yeas 11. Nays 19.

Those who voted to disagree are, messrs President, Address, Baylor, Buford, Creagh, Hall, Hunter, Reese, Ross, Rodgers and Womack.

Those who voted in the negative are, messrs Brindly, Clarke, Daily, Dent,

Foster, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Thornton, Toulmin, Turner, Watrous and Wilson of Jackson.

Mr Toulmin offered the following amendment to wit: Provided, also, that no bill of exchange, shall be purchased by the said bank, unless a majority of the board of President and directors shall approve of and vote for the same.

Mr Jones moved to amend the amendment by adding after the words majority, "of two thirds;" which was lost. The question then recurred on the adoption of the amendment; which was carried.

Mr Buford offered the following amendment, which was adopted, to wit:

Be it further enacted, that any one giving, or procuring, or knowingly pledging a fictitious bill of exchange, and any President or director knowingly receiving the same as security, shall be guilty of a misdemeanour and on conviction shall pay the State not less than the amount for which such bill of exchange was taken, or intended to be offered, and be imprisoned in the penitentiary, not less than three, nor more than thirty years. The bill as amended was ordered to be engrossed for a third reading.

A message was received from his Excellency the Governor by Mr Garrett:

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 1, 1841.

To the President of the Senate:

SIR,—I have the honor to communicate to your honorable body, the resignation of Wm. B. Martin, Esq. Solicitor of the 9th judicial circuit, to take effect after the 20th inst.

Signed,

BEN. FITPATRICK.

Mr Thornton from the judiciary committee to which was referred a bill to be entitled an act to incorporate the Factors press and ware-house company, reported the same back to the Senate with the following amendment, as section 13, to said bill to wit: Be it further enacted, that this act of incorporation shall at all times be subject to be repealed, or modified by any subsequent legislature of this State, after ten years from the passage of the act; which was concurred in by the Senate.

Mr Jones offered the following amendment, to wit:

Be it further enacted, that the individual property, both real and personal, of every description, of each and every stock-holder in said corporation shall be liable for the payment of the debts or liabilities of the said company in the same manner, as if said stock-holders were partners in trade.

Mr McClanahan offered the following as an amendment to the amendment, to wit: Provided, the said individual liabilities shall be enforced, first on the directors of said company; and provided, also, that judgment shall be regularly obtained against said corporation, and execution issued and returned, that no property of said incorporation can be found to satisfy the same; which was adopted. Yeas 23. Nays 7.

Those who voted in the affirmative are, messrs President, Address, Baylor, Clarke, Creagh, Daily, Foster, Hall, Hunter, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs Dent, Hudson, Jones, King, Lea, Thornton and Toulmin.

The question then recurred on the adoption of the amendment as amended, which was carried. Yeas 17. Nays 12.

Those who voted in the affirmative are, Messrs President, Address, Baylor,



Brindley, Clarke, Creagh, Dailey, Foster, Hall, Jones, McAllister, McClanahan, McConnell, Reese, Ross, Rodgers, Turner and Wilson of J.

Those who voted in the negative are Messrs Buford, Dent, Hudson, Hunter, King, Lea, Oliver, Phillips, Thornton, Toulmin, Watrous and Womack.

On motion of Mr Toulmin the bill was ordered to be laid on the table.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to alter the manner of compensating executors and administrators, in certain cases, reported the same back to the Senate, and recommended its passage, with the following amendments:—After the words "judge," insert the following: "the words of the," in the 15th line, after the word chancery, insert "court," together with this proviso, at the end of the bill, to wit: "provided, that such petition for the supervision of the order or decree of the county court, on the subject of said allowance, shall be filed within one year after it shall have been made; and further, that any minor heir, devisee, or legatee of the said estate, may file such petition by his or her next friend; in all of which the Senate concurred. The bill was then read a third time, and passed.

Ordered that the title remain as aforesaid.

Mr Thornton from the committee on the State bank, to which was referred joint resolutions restraining the bank of the State of Alabama and the several branches thereof, from discounting accommodation paper, while they continue in a state of suspension, reported, that it was inexpedient; in which the Senate concurred.

Mr Jones presented the account of Wm. D. Tisdall, jailor of Sumter county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Watrous introduced a bill to be entitled an act, to repeal in part, and amend the law regulating the practice in chancery courts, which was read the first time, and the constitutional rule being dispensed with, was read a second time forthwith, and on motion of Mr Watrous, referred to the committee on the judiciary.

On motion of Mr McConnell, **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall, on Thursday the 7th of December 1841, at 12 o'clock, M., for the purpose of electing a Solicitor for the 8th and 9th judicial circuits, each.

On motion of Mr Clarke the bill from the House of Representatives to be entitled an act to incorporate the town of Dadeville, in Tallapoosa county, was taken from the table, and placed among the orders of the day.

Mr Foster offered a joint resolution, authorizing Arthur Foster, to draw and receipt for the pay of John H. Garrett, late a member of the House of Representatives, from the county of Cherokee, which was read and ordered to a second reading.

The Senate then resumed the consideration of the joint resolutions of the General Assembly of Alabama, in relation to an act of the Congress of the U. States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved September 4th, 1841. The question being on Mr Hudson's motion to disagree to the report of the committee on federal relations, and the vote being taken thereon was lost. Yeay 15, Nays 15.

Those who voted for disagreeing were Messrs President, Baylor, Brindley, Clarke, Foster, Hall, Hudson, Jones, McAllister, McClanahan, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative were Messrs Address, Buford, Dailey, Dent, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous and Womack.

Mr Terry moved to postpone the further consideration of the resolutions until Monday next, and make them the special order for 11 o'clock of that day.

Mr Hudson to postpone until Wednesday next.

Mr Buford to lay on the table, which was carried.

On motion of Mr Phillips the orders of the day were suspended for the purpose of enabling him to offer a joint resolution.

Mr Phillips then offered a joint resolution of the General Assembly of the State of Alabama on the subject of entering the public lands, which, on Mr Phillips' motion, was postponed until Monday next, and made the special order for 11 o'clock, without day.

Mr Jones, from the committee on enrolled bills, reported, that the committee had examined, and found correctly enrolled, bills of the following titles, to wit:

Joint resolutions of the General Assembly of the State of Alabama, for the relief of Thos. Killough, tax collector of Sumter county, and for other purposes.

Joint memorial to the Congress of the United States, on the subject of establishing an armory at the great falls on the Tallapoosa river.

An act to regulate judicial proceedings in the county court of Mobile county.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to amend an act entitled an act the more effectually to prohibit free negroes and persons of color from entering into, and remaining in this State, approved 2nd Feb. 1839.

An act to establish a ferry in Washington county.

Joint memorial to the Congress of the United States in relation to the land lying in Jackson County, south of the Tennessee river.

An act to change the time of holding the county courts of the county of Randolph.

An act authorising the commissioners' court of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox.

Joint resolutions of the General Assembly of the State of Alabama, in relation to a land district, in the Cherokee part of the State of Alabama.

An act to declare Bear creek a public highway.

An act to provide for the election of a tax collector, for the county of Marshall.

An act concerning suits against executors, administrators, and guardians. The Senate then resumed the consideration of the special orders.

A bill to be entitled an act to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama, being on its second reading, it was, on motion of Mr Dent, postponed until Friday next, and made the special order of the day at 11 o'clock.

A bill to be entitled an act to provide for the removal of the seat of govern-

ment, being on its third reading, it was, on motion of Mr Dent, postponed until Friday next, and made the special order for 11 o'clock on that day—Yeas 16, Nays 13.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Buford, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McClanahan, Oliver, Phillips, Rodgers and Thornton.

Those who voted in the negative are Messrs Address, Clarke, Creagh, Dailey, Hall, McAllister, McConnell, Reese, Ross, Toulmin, Turner, Wilson of J. and Womack.

Mr Brindley moved to adjourn, which was carried. Yeas 22, Nays 8.

Those who voted in the affirmative are Messrs Address, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Oliver, Reese, Ross, Rodgers, Thornton, Watrous and Womack.

Those who voted in the negative are Messrs President, Creagh, Dailey, King, Phillips, Toulmin, Turner and Wilson of J.

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, December 2nd, 1841.

The Senate met pursuant to adjournment.

Mr Thornton, from the committee on the judiciary, to which was referred the petition of Henry Watson and accompanying documents, reported a bill in conformity with the prayer of the petition,—to be entitled an act authorising the executor of B. Bland, late of Greene county, to dispose of the goods, wares, and merchandise of his testator, at private sale, or otherwise; which was read and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered that the title remain as aforesaid.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to repeal in part, and amend the law, regulating the practice in chancery courts; reported the same back to the Senate, with sundry amendments, which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr Address, from the committee on propositions and grievances, to which was referred a bill to be entitled an act for the relief of Harriet Hatfield, reported that it was inexpedient to legislate further thereon, in which report the Senate refused to concur.—Yeas 13, Nays 16.

Those who voted in the affirmative are Messrs President, Address, Baylor, Creagh, Lea, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Turner and Watrous.

Those who voted in the negative are Messrs Brindley, Buford, Clarke, Dailey, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, Oliver, Toulmin, Wilson of J. and Womack.

The question then recurred on the adoption of the amendment heretofore offered by Mr Wilson of F., which was in these words:

“Provided the provisions of the act shall only apply, so long as they live separate;” which was lost.—Yeas 12, Nays 16.

Those who voted in the affirmative are Messrs President, Address, Baylor, Brindley, Creagh, Hudson, McClanahan, Phillips, Reese, Rodgers, Thornton and Turner.

Those who voted in the negative are Messrs Buford, Clarke, Dailey, Dent,

Poster, Hall, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Toulmin, Wilson of J. and Womack.

Mr Toulmin offered the following amendment, to wit:

Be it further enacted, that the provisions of this act be, and the same are hereby extended to Mrs Reynolds, of the county of Mobile, and to Mrs Mary Dudley, of the county of Lowndes.

Mr Baylor offered the following as an amendment to the amendment, to wit:

And be it further enacted, that the provisions of the above recited act shall apply to Elizabeth Thrasher, of St Clair county, which was adopted.

Mr Wilson of J., moved further to amend, by adding Drucilla, wife of John McDow, of Jackson county, which was also adopted.

Mr Dailey moved further to amend, by adding the following, to wit:

And all females in the State who may have been married, at the passage of this bill, more than fifteen years, which was adopted.

The question then recurred on the adoption of the amendment, as amended, which was carried.

Mr McConnell moved further to amend, by striking out the name of Nancy Alexander, wife of A. F. Alexander, of Sumter county, which was carried.

Mr Turner moved further to amend, by adding an additional section to the bill, which was in these words, to wit:

Sec. — And be it further enacted, that the provisions of this act shall not apply to any of the within named persons, where either of their husbands, or any part of their families, shall become a charge upon their respective counties, which was adopted.—Yeas 15, Nays 14.

Those who voted in the affirmative are Messrs President, Andress, Creagh, Hudson, Lea, McAllister, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative are, messrs Baylor, Brindley, Buford, Clarke, Dailey, Dent, Foster, Hall, Hunter, Jones, King, Oliver, Wilson of J. and Womack.

Mr Reese moved to reconsider the vote first taken on the adoption of the amendment offered by Mr Turner; which was lost. Yeas 14—Nays 14.

Those who voted in the affirmative are, messrs Baylor, Brindley, Clarke, Dailey, Dent, Foster, Hall, Hunter, Jones, King, Oliver, Reese, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Andress, Creagh, Hudson, Lea, McAllister, McClanahan, McConnell, Phillips, Rodgers, Thornton, Toulmin, Turner and Watrous.

Mr Baylor moved to commit the bill with the following instructions to the judiciary committee, to wit:

That the judiciary committee be instructed to report a general law upon the subject of making married women free traders, requiring such as wish for the privilege, to apply by petition to the circuit courts of the State, stating in such petition the grounds of such application, and describing the causes for which such privilege shall be granted, and the character of the proof to be adduced in its support.

Said bill shall contain provisions, first, embracing married women whose husbands have abandoned them. Second, to such as have husbands incapable of rendering any material aid, from intemperance or other causes, towards



the support of their families; with a proviso that the several circuit courts may at any time, upon satisfactorily showing, revoke an order making any married woman a free trader; which was lost. Yeas 8—Nays 19.

Those who voted in the affirmative are, messrs Address, Baylor, Dailey, Hudson, McAllister, Phillips, Reese and Watrous.

Those who voted in the negative are, messrs President, Brindley, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, King, Lea, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Mr Clarke moved to refer the bill to a select committee with the following instructions, to wit: Strike out the names of any whose situation may not seem absolutely to require such an act, and to amend said bill in any other mode that may be necessary, and may report a substitute if it seem preferable; which was lost. Yeas 7—Nays 22.

Those who voted in the affirmative are, messrs Clarke, Dailey, Hudson, Lea, McAllister, Phillips and Wilson of J.

Those who voted in the negative are, messrs President, Address, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hall, Hunter, Jones, King, McClanahan, McConnell, Oliver, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous and Womack.

The question was then taken on ordering the bill to a third reading; which was lost. Yeas 13—Nays 16.

Those who voted in the affirmative are, messrs Brindley, Buford, Dailey, Dent, Foster, Hall, Hunter, Jones, King, Oliver, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Address, Baylor, Clarke, Creagh, Hudson, Lea, McAllister, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Turner and Watrous.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives concur in the amendments made by the Senate to the bill to amend the charter of the Planters and Merchants bank of Mobile.

They concur in the resolution of the Senate proposing to elect a judge of the 5th judicial circuit, and have amended the same by adding a solicitor of the 9th circuit; in which they ask the concurrence of the Senate.

They have also read three several times and passed the bill to amend and explain an act for the relief of Elizabeth Morris, approved 9th Jan. 1836.

The amendment of the House to the resolution of the Senate in relation to the election of a judge of the 5th judicial circuit, was concurred in.

On motion of Mr Terry, the vote just taken on concurring in the amendment of the House was reconsidered.

The question then was on concurring; which was lost.

On motion of Mr Reese, the joint resolutions in relation to an act of the Congress of the United States, entitled an act to distribute the proceeds of the sales of the public lands among the several States, approved Sept. 4, 1841, was taken from the table.

Mr Reese then moved to reconsider the vote taken yesterday on disagreeing to the report of the committee on federal relations, in relation to said resolutions; which was carried. Yeas 16—Nays 10.

Those who voted in the affirmative are, messrs President, Baylor, Brind-

lay, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, McAllister, McClanahan, Reese, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Dent, Hunter, King, Lea, McConnell, Oliver, Phillips, Thornton and Womack.

On motion of Mr Terry, the further consideration of the subject was postponed until Wednesday next, and made the special order for 11 o'clock on that day.

The following message was received from his Excellency the Governor, by Mr Garrett.

Mr President: I am instructed by his Excellency the Governor, to inform your Hon. body that he did this day approve and sign a bill of the following title to wit:

An act to regulate judicial proceedings in the county court of Mobile county; which bill originated in the Senate.

Mr Turner, from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to provide for working of roads on beat lines, and for other purposes, reported that it was inexpedient to pass the same, as the evils complained of are provided for in the present road law; in which the Senate concurred.

Mr Reese, from the committee on federal relations, to which was referred certain resolutions from the commonwealth of Massachusetts, dated in the year of our Lord, 1841, in relation to the revenue laws, reported the following resolutions as expressive of the views of this legislature upon that subject.

Resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened, that the Congress of the United States has no right lay duties on articles of foreign import with a view to protect the industry of the people of one section of the Union at the expense of the other.

Resolved further, that the people of Alabama have, by virtue of the constitution, a right to trade with any nation in the world at peace with the United States, free from any other duty or charge than such as is levied alone with a view to raise a revenue to support an economical administration of the general government; and in levying duties, the general government has no right to discriminate for the purpose of protecting any species of labor.

Resolved, that his Excellency the Governor be instructed to transmit a copy of the forgoing resolutions to the Governor of the commonwealth of Massachusetts.

Mr Buford moved to insert after the word "government," in the third resolution, these words, "or for the regulation of commerce;" which was lost.

The question then recurred on the adoption of the resolutions as reported by the committee; which was unanimously adopted.

Those who voted for their adoption are, messrs President. Andress, Baylor, Brindley, Clarke, Dailey, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J—25.

Mr Andress, from the committee on propositions and grievances, to which was referred the petition of Elizabeth Thrasher, reported that it was inexpedient to grant the petition of said petitioner; in which the Senate concurred.

Mr Reese, from the committee on federal relations, to whom was referred

resolutions from the commonwealth of Kentucky; also from the commonwealth of Massachusetts, and from the State of Delaware, proposing such an alteration of the constitution of the United States as will restrict the eligibility of the President of the United States to one term, reported the following resolutions.

Resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened, that it is inexpedient to alter the constitution so as to restrict the eligibility of the President of the United States to one term.

Resolved, that the Governor of the State be instructed to transmit a copy of the foregoing resolutions to the Governor of the commonwealth of Kentucky; also a copy to the Governor of the commonwealth of Massachusetts, and a copy to the Governor of the State of Delaware; which was adopted. Yeas 13—Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dent, King, Lea, Oliver, Phillips, Thornton and Womack.

Mr McAllister from the committee on Indian expenditures, to whom was referred the account of Buford & Johnson, assignees of Wm. G. Fryer, for a horse, pressed into the Creek service, reported a bill making compensation for the same, which was read and ordered to a second reading.

Mr Jones from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, a preamble and joint resolutions upon the laws regulating postage, and

An act to amend the charter of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes.

Mr Baylor from the select committee, to which was referred a bill to be entitled an act to alter and amend the charter of the Alabama Life insurance and trust company, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Buford introduced a bill, to be entitled an act to enable the joint examining committee more efficiently to investigate bank frauds, which was read a first time.

Mr Buford moved to suspend the constitutional rule, for the purpose of giving the bill a second reading forthwith, and called for the yeas and nays on the motion, which were as follows:

For suspending, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Daily, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Wilson of J., and Womack.—26.

Mr McClanahan voted against suspending—1.

The bill was then read a second time, and on motion of Mr Terry, referred to the committee on the judiciary.

On motion of Mr Terry: **RESOLVED**, that the committee on the State bank, be instructed to inquire into the expediency of passing a law, prohibiting the President and directors of the bank of the State of Alabama or any of its branches from charging exchange upon bills purchased by said institutions

drawn upon New Orleans, or any of the Northern cities, with leave to report by bill or otherwise.

Mr Toulmin introduced a bill, to be entitled an act to confirm the will of Martin Kinly, late of Mobile county, deceased, which was read and ordered to a second reading.

On motion of Mr Lea: **RESOLVED**, that the judiciary committee be instructed to examine the laws on the subject of bail in civil cases and imprisonment for debt with a view to ascertain whether some amendment is not, and what amendment is, necessary; with leave to report by bill or otherwise.

Mr Thornton from the committee on the judiciary, to which was referred a bill, to be entitled an act to prevent frauds in elections, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, in which the Senate concurred.

On motion of Mr Reese, the communications from the cashiers of the several banks in this State, showing the amount of property purchased by said banks during the year 1841, in payment of debts or otherwise, was taken from the table.

Mr Reese moved to lay them on the table and print thirty-three copies thereof.

Mr Hudson called for a division of the question, which was first taken on laying on the table and carried.

Mr Creagh moved to print one hundred and thirty-three copies, which was carried.

On motion of Mr Wilson of Jackson, the Senate then adjourned until tomorrow morning 10 o'clock

FRIDAY, Dec. 3, 1841.

The Senate met pursuant to adjournment.

Mr Thornton from the judiciary committee, to which was referred a bill from the House of Representatives, entitled an act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes; reported the same back to the Senate, with sundry amendments as therein shewn, and thus amended, recommended its passage. The amendments were concurred in, and the bill ordered to a 2d reading.

Mr Thornton from the same committee to which was referred a bill, to be entitled an act in relation to damages in the Supreme court, reported the same back to the Senate, with their opinion, that it was inexpedient to pass the same; in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill, to be entitled an act, incorporate the Stockton steam-boat and ware-house company, in the county of Baldwin, reported the same back to the Senate and recommended its passage. The bill was then placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill, to be entitled act to regulate injunctions in certain cases, reported that it was unnecessary to pass the bill, because it was now in the discretion of the chancellor to direct the nature and extent of the bond which shall be given in all such cases. The report was concurred in by the Senate.

Mr Thornton from the same committee, to which was referred a bill from the House of Representatives to be entitled an act to reduce the fees of the county court clerks, in certain cases therein named, reported the bill back to the Senate, and that it was inexpedient to pass the same.



On motion of Mr Hudson, the bill together with the report, was ordered to be laid on the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to limit the time for presenting claims against estates, for debts contracted without this State, or within this State after the removal of disabilities, reported a substitute, which was adopted, and ordered to be engrossed for a third reading.

Mr Lea from the judiciary committee, to whom was referred a bill to be entitled an act to repeal an act therein named, reported a substitute therefor, which was adopted, and ordered to be engrossed for a third reading.

Mr Phillips introduced a bill to be entitled an act to renew medical pursuits in certain cases; which was read and ordered to a second reading.

Mr Hall presented the memorial of Win. H. Thomas & Co., which was read and on motion of Mr Watrous, referred to the committee on the Penitentiary.

On motion of Mr Lea, the vote taken yesterday on refusing to order a bill for the relief of Harriet Hatfield and others, was reconsidered.

On motion of Mr Dent, the bill was referred to a select committee, whereupon, messrs Dent, Reese and Phillips, were appointed said committee.

The Senate then proceeded to the considerations of the orders of the day:

The bill for the relief of Robert Douglass, being under consideration, it was read a second time, and ordered to be engrossed for a third reading.

The hour of 11 o'clock having arrived, the Senate took up the special orders:

Joint resolutions responsive to resolutions from the General Assembly of the State of Indiana, relative to the duties of President and Vice President of the United States, being first in order, they were read and adopted.

Ordered, that the title remain as aforesaid.

Preamble and joint resolutions relative to the bankrupt law. The question being on the adoption of the amendment heretofore offered by Mr Buford, which was in these words, "that said measure may make some political capital for the party that passed it, and a certain party wishing to make a little capital for themselves."

Mr Terry moved the indefinite postponement of the amendment, which was carried. Yeas 18—Nays 8.

Those who voted in the affirmative are, messrs President, Brindley, Clarke, Creagh, Daily, Dent, Foster, Hall, Hudson, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Buford, Hunter, Lea, Oliver, Phillips, Thornton and Womack.

The question then recurred upon the adoption of the first proposition contained in the first resolution, a division of the question having heretofore been called for by Mr Phillips, which was carried. Yeas 17—Nays 12.

Those who voted in the affirmative are, messrs. President, Baylor, Brindley, Clarke, Creagh, Daily, Hudson, McAllister, McClanahan, McConnell, McVay, Reese, Rogers, Toulmin, Turner, Watrous, and Wilson, of J.

Those who voted in the negative are, messrs. Andress, Buford, Dent, Hall, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, and Womack.

The question was next taken on the adoption of the 2d clause of the resolution; which was carried. Yeas 16. Nays 14.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dailey, Dent, Hall, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

The question was next taken on the adoption of the last resolution; which was carried.

And lastly, on the preamble; which was also adopted. Yeas 16—Nays 13.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dent, Hall, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives recede from their amendment to the resolution of the Senate proposing to go into the election of a judge of the 5th judicial circuit.

The following resolution was received from the House of Representatives by Mr Tunstall, to wit:

RESOLVED, that the Senate be now invited into the Hall of the House to go into the election of a judge of the 5th judicial circuit.

In conformity with the above resolution, the Senate repaired to the Representative Hall and was seated.

Mr President then announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a judge of the 5th judicial circuit: Messrs WM. ACKLIN, GEORGE W. LANE, GREEN P. RICE and JOHN W. THOMPSON, being in nomination.

Those who voted for Mr Acklin are, messrs Clarke, King, McClanahan and Watrous, of the Senate; and messrs Allen, Bishop, Cochran, Davis of L.; Griffin of M., Griffin of S., Harris, Heflin, Henry, Henslee, Houston, Hunter, Morgan, Norman, Randolph, Smith of L., Storrs, Walker of B., Winston and Wynn, of the House—25.

Those who voted for Mr Lane are, messrs Address, Buford, Dent, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Thornton and Womack of the Senate; and messrs Alexander of Lowndes, Barker, Barron, Bradley, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Hammond, Jones of Con., Jones of Cov., Jefferson, Jemison, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Mundy, Norris, Norwood, Reynolds, Rhodes, Rodgers, Smith of H., Smith of T., Spruill, Wallace, Ware and Young, of the House—49.

Those who voted for Mr Rice are, messrs Hall, McAllister and Rodgers of the Senate; and messrs Alexander of Laud., Chiles, Gresham, Hogan, Justice, B. McAlpin, R. McAlpin, McMillion of B., Moors, Perkins, Rice, Strode, Stinson, Taylor, Troup and Walker of Lawrence, of the House—19.

Those who voted for Mr Thompson are, messrs President, Baylor, Creagh, Dailey, Foster, McConnell, Reese, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Armbrister, Clemens, Fletcher, Griffin of J., Haughton, Hutchinson, Jones of Mad., James, Kennedy, King, McAllister,

McMillion of J., Musgrove, Phillips, Rushing, Smith of J., Steel and Yancey—28.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time.

Those who voted for mr Acklin are, messrs Clarke, King, McClanahan and Watrous, of the Senate; and messrs Allen, Cochran, Davis of L., Griffin of M., Griffin of S., Heflin, Henry, Henslee, Hogan, Houston, Hunter, McMillion of B., Norman, Smith of L., Storrs, Troup, Valliant, Walker of B., Walker of L., Winston and Wynn, of the House—25.

Those who voted for mr Lane are, messrs Andress, Buford, Dent, Hall, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Thornton and Womack, of the Senate; and messrs Alexander of Lowndes, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Mason, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Reynolds, Rhodes, Rodgers, Smith of H., Smith of T., Stinson, Wallace, Ware and Young, of the House—46.

Those who voted for mr Rice are, messrs Rodgers, of the Senate; and Alexander of Laud., Marchbanks, Strode and Taylor of the House—5.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, Dailey, Foster, McAllister, McConnell, Reese, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Armbrister, Clemens, Fletcher, King, McAllister, B. McAlpin, McMillion of J., Moore, Morgan, Musgrove, Phillips, Randolph, Haughton, Griffin of J., Hutchinson, James, Jones of M., Rice, Rushing, Smith of J., Steele and Yancey, of the House—34.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a third time. The name of mr Rice having been withdrawn.

Those who voted for mr Acklin are, messrs Clarke, King, McClanahan, Turner, Watrous and Wilson of J., of the Senate; and messrs Cochran, Davis of L., Griffin of S., Heflin, Hogan, Houston, Hunter, King, Norman, Rushing, Smith of L., Storrs, Valliant, Walker of Benton, and Winston, of the House—21.

Those who voted for mr Lane are, messrs Andress, Buford, Dailey, Dent, Foster, Hall, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate; and messrs Alexander of Lawrence, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Hammond, Harris, Henry, Henslee, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Marchbanks, Mason, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Phillips, Reynolds, Rhodes, Rodgers, Smith of H., Smith of T., Spruill, Stinson, Walker of L., Wallace, Ware and Young, of the House—65.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, McAllister, McConnell, Reese and Toulmin, of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Clemens, Fletcher, Griffin of J., Griffin of M., Haughton, Hutchinson, James, Jones of M., Kennedy, McAllister, B. McAlpin, McMillion, of B., McMillion of J., Moore, Morgan, Musgrove, Randolph, Rice, Smith of J., Steele, Strode, Taylor, Troup, Wynn and Yancey, of the House—36.

Mr Lane having received a majority of the whole number of votes given,

Mr Speaker declared him duly and constitutionally elected judge of the 5th judicial circuit for the time prescribed by law.

The Senate then withdrew to their Chamber.

Mr President resumed the chair, and called the Senate to order.

Mr Turner asked leave of absence for the Senator from Sauter, Mr Jones, until next Friday; which was granted.

Mr Ross, from the committee on enrolled bills, reported that the committee has examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th January, 1836.

Also a bill to be entitled an act to repeal in part and amend an act to wind up the land office at Courtland, approved January 9, 1841.

Mr Rodgers, from the committee on enrolled bills, reported that the committee has examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend an act entitled an act more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved Feb. 2, 1839.

Also an act to amend the charters of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its several branches; the question being on Mr Creagh's motion to strike out the first and second sections of said bill.

Mr Phillips called for a division of the question; which was first taken on striking out the first section and carried. Yeas 16—Nays 13.

Those who voted in the affirmative are, messrs Andress, Buford, Creagh, Dailey, Dent, Hunter, McClanahan, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Turner, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Foster, Hall, Hudson, King, McAllister, McConnell, Thornton, Toulmin and Wilson of Jackson.

Mr Baylor then moved to lay the bill upon the table; which prevailed.—Yeas 19—Nays 10.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Dent, Hudson, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Toulmin, Turner, Wilson of Jackson and Womack,

Those who voted in the negative are, messrs Andress, Buford, Creagh, Dailey, Hall, Hunter, Phillips, Ross, Thornton and Watrous.

A bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of the valueless 16th sections, was read a third time and passed, Yeas 20—Nays 9.

Those who voted in the affirmative are, messrs President, Andress, Baylor, Buford, Clarke, Dent, Hudson, Hunter, King, Lea, McAllister, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs Brindley, Creagh, Dailey, Foster, Hall, McClanahan, McConnell, Reese and Wilson of J.



Ordered by the Senate that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed a bill to be entitled an act requiring the branch bank at Huntsville and Decatur to deposit their portion of thirty-six thousand dollars in the State bank.

On motion of Mr McVay, the message from the House was laid on the table.

A message was received from his Excellency the Governor, by Mr Garrett.

Mr President: His Excellency the Governor, on yesterday, approved bills of the following titles, to wit:

An act concerning suits against executors and administrators and guardians.

Joint resolutions for the relief of Thomas Kellough, tax collector of Sumter county, and for other purposes; which originated in the Senate.

A bill to be entitled an act to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama, was on motion of Mr King, ordered to be laid on the table.

On motion of Mr Hudson, the message from the House was taken from the table.

A bill from the House of Representatives to be entitled an act, requiring the branch bank at Huntsville and Decatur, to deposit their proportion of thirty six thousand dollars in the State bank, was read a first time, and the constitutional rule being dispensed with, it was read a second time, and the constitutional rule being further dispensed with, was read a third time forthwith and passed.

Ordered that the title remain as aforesaid.

On motion of Mr Hudson, the special orders were suspended, for the purpose of enabling Mr Thornton to offer a petition.

Mr Thornton presented the petition of Wm. Lyle, of Greene County, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

On motion of Mr Watrous, the special orders were further suspended.

Mr Watrous introduced a bill to be entitled an act in reference to the duties of county clerks in this State, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and referred to the committee on the judiciary.

On motion of Mr Dent, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, Dec. 4, 1841.

The Senate met pursuant to adjournment.

Mr Rodgers presented the account of Matthias E. Gary, Sheriff of Sumter county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr McConnell presented the petition of Eli Shortridge and John P. Booth, the reading of which was dispensed with, and on motion, referred to the committee on the judiciary.

Mr King presented the petition of sundry citizens of Pickens county, the

reading of which was dispensed with, and on motion referred to the committee on the judiciary.

The Senate then proceeded to the consideration of the orders of the day. Engrossed bills of the following titles, to wit:

An act to amend an act to incorporate the Tuscaloosa Guards.

An act to more fully explain the 1st, 2nd, 3rd, and 4th sections of the 14th chapter of the penal code, upon the subject of pardons and reprieves,

An act to prohibit the increase of the salary to any officer of the State bank, or either of the branch banks.

An act for the relief of Bethel Holmes.

An act to amend an act entitled an act to incorporate the Marion Female Association, approved 9th January, 1841.

An act to compel the commissioners and officers of the different banks in this State, to make their reports according to law.

An act for the benefit of T. G. K. Shannon.

An act to regulate writs of error.

An act respecting depositions, &c.

An act to repeal in part, and amend the law regulating the practice in chancery courts.

An act to expedite the settlement of the estates of deceased persons.

An act to amend an act entitled an act more effectually to provide for decisions at common law, approved 23rd December, 1837, were severally read a third time, and passed.

Ordered that the titles of the same remain as aforesaid.

A bill from the House of Representatives, to be entitled an act to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified, was read a third time, and on motion of Mr Dailey, referred to a select committee; whereupon Messrs Dailey, Reese and Buford, were appointed said committee.

A bill from the House of Representatives to be entitled an act to repeal in part an act, regulating punishments under the Penitentiary system, approved January 9th, 1841, was read a second time and on motion of Mr King, referred to the judiciary committee.

Bills from the House of Representatives of the following titles, to wit,

An act fixing the the time of holding justices' courts in the counties of Coosa and Autauga, and for othes purposes.

An act to incorporate the Mobile Hook and Ladder Company, No. 1, and Fire Insurance Companies No. 36 and '7, of the city of Mobile.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee Rail Road Company, approved Dec. 22, 1836.

An act to repeal the General Ticket law, were severally read a second time, and ordered to a third reading.

A bill from the House of Representatives to be entitled an act to establish an additional regiment of the militia of this State in the county of Talladega, was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith, and passed.

Ordered that the title remain as aforesaid.

Bills of the following titles, to wit:

An act to amend an act to incorporate the Madison Turnpike Company, approved January 14, 1834.

An act to confirm the will of Martin Kirby, late of Mobile county, deceased.

An act to renew medical pursuits in certain cases, were severally read a second time, and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to authorise the tax collector of Jackson county, to receive jurors certificates and State claims that have become a county charge, in payment of taxes due said county, were read a third time and passed.

Engrossed bill to be entitled an act authorizing the State bank and its several branches to appoint bank Marshalls, was read a third time.

Mr Rodgers moved its indefinite postponement, which was lost. Yeas 11, Nays 13.

Those who voted in the affirmative are Messrs Andress, Foster, Hall, Lea, McAllister, McVay, Phillips, Reese, Rodgers, Watrous and Wilson of J.

Those who voted in the negative are Messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Dent, Hudson, King, McClanahan, McConnell, Ross and Toulmin.

Mr Hall moved to postpone the bill until Monday next, and make it the special order for 11 o'clock on that day, which was lost.

The question then recurred on the passage of the bill, which was carried. Yeas 14, Nays 12.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Buford, Clarke, Cregh, Dent, Hudson, King, McClanahan, McConnell, Ross, Toulmin and Turner.

Those who voted in the negative are Messrs Andress, Dailey, Foster, Hall, Lea, McAllister, McVay, Phillips, Reese, Rodgers, Watrous and Wilson of J.

Ordered that the title remain as aforesaid.

Engrossed bill to be entitled an act to provide for the payment of provisions furnished the troops, while in the service of the United States, was read a third time, and the bill being on its passage, the question was taken thereon, and lost.

An engrossed bill to be entitled an act to regulate and fix the fees of witnesses when the State is a party, was read a third time, and on motion of Mr Lea referred to a select committee; whereupon Messrs Lea, Dent, and McConnell were appointed said committee.

A bill to be entitled an act to authorise the election of justices of the peace in the town of Greenville, Butler county, was read a second time and on motion of Mr Lea, referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act for the better securing mechanics, in the city and county of Mobile, was read a third time and passed.

Ordered that the title remain as aforesaid.

An engrossed bill from the House of Representatives to alter and amend the laws of this State, relative to the collection of claims of steam boats and other water craft, navigating the waters of Alabama, was read a second time, and on motion of Mr Phillips, referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23rd, 1822, was read

a second time, and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to incorporate the town of Dadeville, in Tallapoosa county, was read a second time, and on motion of Mr Reese referred to a select committee; whereupon Messrs Reese, Dailey and Dent were appointed said committee.

An engrossed bill to be entitled an act to establish jury trials in justices' courts, was read a third time and passed. Yeas 16, Nays 8.

Those who voted in the affirmative are Messrs President, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hall, Lea, McConnell, Oliver, Reese, Ross, Toulmin and Womack.

Those who voted in the negative are Messrs Andress, Baylor, Hudson, King, McAllister, McClanahan, McVay and Turner.

Ordered that the title remain as aforesaid.

An engrossed bill to be entitled an act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile, was read a third time and passed.—Yeas 21, Nays 5.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Buford, Clarke, Creagh, Foster, Hall, Hudson, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Toulmin, Turner, Wilson of J., and Womack.

Those who voted in the negative are, messrs Andress, Daily, Dent, Lea, and Phillips.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to compensate losses occasioned by the pressing a horse in the Creek service, was read a second time.

Mr Creagh moved to strike out three hundred and fifty, where it occurs before the word dollars, in said bill, with a view to insert fifteen hundred and seventy-five; which was carried. Yeas 14—Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Creagh, Daily, Dent, Foster, Hudson, Lea, McConnell, McVay, Ross, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Hall, King, McAllister, Oliver, Reese, Rodgers, Toulmin and Womack.

Mr Oliver moved to fill the blank with "three hundred," which was lost. Yeas 7—Nays 16.

Those who voted in the affirmative are, messrs Andress, Hall, King, McAllister, Oliver, Rodgers and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Creagh, Daily, Dent, Foster, Hudson, Lea, McClanahan, McConnell, McVay, Ross, Toulmin, Turner and Wilson of J.

Mr Reese moved to fill the blank with "two hundred and twenty-five."

Mr Buford moved to lay the bill on the table; which was lost.

The question then recurred on Mr Reese's motion to fill the blank with "two hundred and twenty-five;" which was carried.

The bill was then ordered to be engrossed for a third reading.

Joint resolutions authorizing Arther Foster, to draw and receipt for the pay of John H. Garrett, late a member of the House of Representatives from the county of Cherokee, was read a second time, and ordered to be engrossed for a third reading.



Engrossed bill, to be entitled an act to amend the charter of the Alabama life and trust company of Mobile, was read a third time and passed.  
Ordered, that the title remain as aforesaid.

A bill to be entitled an act to incorporate the Stockton steam-boat and warehouse company, in the county of Baldwin, was read a second time.

Mr. Baylor offered the following amendment, to wit:

And provided further, that the individual property of the corporators, shall be liable for all debts contracted by said corporation, and in the event of any judgment being obtained against said corporation, and an execution returned thereon nulla bona, the said judgment shall be deemed and taken in law, as a judgment against any of the said corporators, or their assignees, and execution may be sued out accordingly; which was adopted. Yeas 16—Nays 11.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Daily, Foster, McAllister, McClanahan, McConnell, McVay, Reese, Ross, Rodgers, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Buford, Dent, Hall, Hudson, King, Lea, Phillips, Toulmin, Watrous and Wornack.

The bill as amended, was ordered to be engrossed for a third reading.

Engrossed bill, to be entitled an act for the relief of Robert Douglass, was read a third time, and on motion of Mr Lea, ordered to lie upon the table.

A bill from the House of Representatives, to be entitled an act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes; was read a third time and passed.

Mr Phillips moved to strike out the present caption and insert in lieu thereof, the following, to wit:

A bill to be entitled an act to regulate the proceedings of the several circuit courts in this State; which was carried.

Mr Rodgers from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, a bill to be entitled an act authorising the executor of Blaney Bland, to dispose of the goods wares and merchandize of his testator at private sale or otherwise.

The hour of 11 o'clock having arrived, the special orders came up, and on motion of Mr Baylor suspended, for the purpose of enabling him to make a report.

Mr Baylor from the judiciary committee, to whom was referred a bill to be entitled an act to secure a homestead to every family in this State, reported the same back to the Senate, with sundry amendments.

On motion of Mr Watrous, the bill, together with the report was ordered to lie upon the table. Yeas 15—Nays 11.

Those who voted in the affirmative are, messrs President, Baylor, Clarke, Creagh, Daily, Dent, Foster, King, Lea, McAllister, McClanahan, McVay, Phillips, Toulmin and Watrous.

Those who voted in the negative are, messrs Brindley, Hall, Hudson, McConnell, Oliver, Reese, Ross, Rodgers, Turner, Wilson of J., and Wornack.

On motion of Mr Andress, the special orders were further suspended for the purpose of enabling him to make a report.

Mr Andress from the committee on propositions and grievances, to which was referred, the memorial of Elison Warren of Barbour county, reported a bill, to be entitled an act for the relief of Elison Warren late tax collector of Barbour county, which was read and ordered to a second reading.

On motion of Mr Phillips, the further consideration of the special orders was postponed until Monday next.

A message was received from the House of Representatives, by Mr Cook.

Mr President.—The House of Representatives concur in the amendments made by the Senate to the bill to alter the manner of compensating executors and administrators in certain cases.

They have passed bills which originated in the Senate of the following titles, to wit:

An act to authorize the executors of Blaney Bland, late of Greene county, to dispose of the goods, wares and merchandize of the testator, at private sale, or otherwise.

An act to authorize the Comptroller of public accounts to draw his warrant on the State Treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the 2d judicial circuit:

An act to confirm the will of Thomas Murphy, deceased.

An act to change the time of convening the General Assembly.

An act to compensate the commissioners of roads and revenue in the counties of Dale and Wilcox, and for other purposes; and have amended the same as therein shewn.

An act to authorize Norborn F. Chandler of Sumter county, to sell goods, wares and merchandize in said county, without license, and have amended the same, as therein shewn.

An act to alter the mode of collecting and assessing the taxes of Limestone county, and have amended it as therein shewn.

In all of which they ask the concurrence of the Senate.

They have also passed bills which originated in the House of Representatives, of the following titles, to wit:

An act to divorce Joseph Daniel from his wife Hulda Daniel.

Joint resolutions relative to certain records.

An act requiring the county officers of Marshall county, to receive certain claims therein named.

An act to extend the time for collecting the county school and road tax in the county of Mobile and for other purposes.

An act to change the name of Alfred B. Palmore.

An act to divorce Amanda White from her husband Wm. A. White.

An act to change the time of holding the county court of Tallapoosa county.

An act to compel the county Treasurer of Pickens county, to reside at or near the county site.

An act authorizing an additional surveyor in Sumter county.

An act for the relief of Sarah Squires.

An act to change the mode of appointing apportioners within the county of Walker, also

Joint resolutions in relation to the banks.

In all of which they ask the concurrence of the Senate.

Mr President laid before the Senate, a presentment of the grand jury of Mobile county, for the Spring term 1841, the reading of which was dispensed with, and on motion of Mr Watrous, referred to the judiciary committee.

A joint resolution from the House of Representatives, in relation to the debtors of the bank of the State of Alabama and its several branches, was

read, and on motion of Mr Lea, referred to the committee on the State bank.

Bills from the House of Representatives, of the following titles, to wit:

An act to change the mode of appointing apportioners within the county of Walker.

An act for the relief of Sarah Squires.

An act authorising an additional surveyor for Sumter county.

An act to change the time of holding the county court of Tallapoosa county.

An act to divorce Amanda White from her husband Wm. A. White.

An act to change the name of Alfred B. Palmore.

An act to divorce Joseph Daniel from his wife Huldah Daniel.

An act to require the county officers of Marshall county, to receive certain claims therein named, and

Joint Resolutions in regard to certain records, were severally read and ordered to a second reading.

A bill from the House of Representatives, to be entitled an act to compel the county treasurer to reside at or near the county site, was read a first time, and the constitutional rule being dispensed with, it was read a second time and ordered to a third reading.

A bill from the House of Representatives, to be entitled an act to extend the time for collecting the county school and road tax in the county of Mobile, for the year 1841, and for other purposes; was read and the constitutional rule being dispensed with, read a second time, and on motion of Mr Toulmin, referred to a select committee; whereupon messrs Toulmin, King and Lea were appointed said committee.

The amendment of the House to the bill authorising Norborn E. Chandler, to sell goods, wares and merchandize in the county of Sumter without a license, was rejected.

The amendment of the House, to the bill compensating the commissioners of certain counties, being under consideration,

Mr King moved to lay it upon the table, which was carried.

The amendments of the House, to the bill to be entitled an act to alter the mode of assessing and collecting the taxes of Limestone county, were concurred in by the Senate.

A message was received from his Excellency the Governor, by Mr Garrett:

Mr President,—His Excellency the Governor, this day approved bills of the titles following:

An act to amend the charter of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes, and

An act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th January, 1836.

On motion of Mr Lea: **RESOLVED**, that the committee on the State bank be instructed to ascertain and report the reason to the Senate, why it is that the business of said bank and branches in Mobile, is done mostly with or through the stock banks, instead of the branch of the Bank of the State at that point, and that said committee report a bill presenting a different course if they deem it advisable.

On motion of Mr King, the bill to be entitled an act to compensate the

commissioners of roads and revenue in certain counties, was taken from the table.

Mr Ross moved that the Senate concur in the amendment made by the House thereto; which was carried.

Mr Foster offered a joint resolution proposing to alter the 12th section of the 5th Article of the Constitution of the State of Alabama, making the judges of the county courts elected by the people, which was read a second time and on motion of Mr Dent, referred to the judiciary committee.

On motion of Mr McClanahan: **RESOLVED**, that the judiciary committee be instructed to inquire into the expediency of amending the law in relation to trustees, so as to authorise the register in chancery, to give the notice by publication that is now required to be given by the trustee, before he can resign his trust.

On motion of Mr Hudson, the vote just taken, refusing to concur in the amendment of the House to the bill for the benefit of Norborn E. Chandler, was reconsidered. The question then recurred on concurring; which was carried.

Mr Daily introduced a bill, to be entitled an act in relation to dower; which was read and ordered to a second reading.

Mr Dent presented the following report:

To the honorable the General Assembly of the State of Alabama: The undersigned commissioners appointed to superintend the erection of a State Arsenal, respectfully report to your honorable body, that after having considered the various proposals for the erection of buildings and sale of suitable houses, they purchased of Daniel M. Forney, a new brick building on main street, for which they paid him the sum of two thousand dollars, out of the appropriation made for that purpose by the last General Assembly, reserving five hundred dollars for the alterations and repairs of the house, deemed necessary to render it safe and suitable; of that amount there now remains in the treasury, one hundred and fifty dollars and ninety-four cents, which however, the commissioners believe will be fully covered by the completion of the repairs. Under this state of facts, they would respectfully recommend a further appropriation of one thousand dollars, to be made to the said Daniel M. Forney, as the sum paid to him was, and is, considered entirely inadequate to the value of the property received of him, and as it was agreed between them at the time of the purchase, that they should request most respectfully this act of appropriation at your hands.

**DENNIS DENT**, President of the Board of Com.

**JONES M. WITHERS**, Secretary.

On motion of Mr Dent, the report was referred to the committee on propositions and grievances.

On motion of Mr Thornton: **RESOLVED**, with the concurrence of the House of Representatives, that the two Houses of the General Assembly, when they shall assemble in the hall of the House of Representatives, on Friday, the 7th instant, to go into election of Solicitors of the 8th and 9th judicial circuits, shall also go into the election of five persons, to constitute a board of physicians, at the town of Livingston, Sumter county.

On motion of Mr King, the Senate then adjourned until Monday morning, 10 o'clock.



MONDAY, DEC. 6, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of the Mayor and Alderman and Common Council of Mobile, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Toulmin presented the petition of the officers of first volunteer regiment of Alabama militia in the county of Mobile, the reading of which was dispensed with, and on motion referred to the committee on military affairs.

Mr Turner presented the account of Wm. B. Figures, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Lea from the committee on internal improvement and inland navigation, to whom was referred the petition of some three hundred persons in behalf of John Cooper, a contractor for the improvement of McGrew's shoals in the Tombecbee river, reported that they had patiently and deliberately examined the merits of the petition, and asked leave to make the following statements.

By an act approved 20th December 1837, entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombecbee river, and for other purposes, the sum of twenty-five thousand dollars was appropriated for the purpose of removing obstructions between the town of St. Stephens and the junction of said river with the Warrior river. By reference to the reports of the engineer and the commissioners, the committee ascertain that there are now twenty obstructions at low water, called shoals, between said points. The shoals are formed principally of ledges of rock, of a soft quality, extending, in most instances, nearly or quite across the stream. The McGrew shoal, which is just above St. Stephens, is the worst obstruction of much obstinacy or importance. This is the obstruction the removal of which Cooper undertook as a contractor. This is the site on which some work has been done in pursuance of the act. Here is the point at which the amount appropriated, has been almost entirely expended.

The committee regret to have to report that but a small portion of the amount has been spent for labor actually done, on even this portion of the proposed improvements. It seems that the principal portion of the amount was paid for preparatory arrangements—axaminations, machinery, &c. highly expensive and costly, compared with the original appropriation.

From the investigations we have been able to make, and after having read over carefully, the voluminous testimony of many witnesses, taken and reduced to writing by a committee of the House of Representatives at the last annual session. The committee have come to the following conclusions:

1. The amount appropriated is wholly inadequate to the completion of the improvement of the river as contemplated.
2. It is questionable whether the improvement upon the plan upon which it was projected, will result in any public benefit, and incline to the belief decidedly, that it will not with any amount of expenditure.
3. That John M. Cooper ought in justice and equity to have some compensation for the work he has done, or to be reinstated as near as may be in his contract.

In the first place, there having been no annual report made by commissioners to the general assembly, as the act prescribes, or at any rate never

having been referred to this committee, we cannot pretend to be precise as to amounts expended, or to be expended, or as to the quantity or actual value of the labor performed up to this date, except from the evidence already alluded to. True, we have availed ourselves of the sources of information in our reach, such as the evidence before mentioned—a letter of a Captain of a steamboat navigating the river, and the statement or affidavit of gentlemen who reside or have occasionally been in the neighborhood of the work, as well as the report made by the commissioners at former sessions.

Of the twenty-five thousand dollars appropriated, there is said to be remaining only 16 or 18 hundred dollars, which is in the hands of the present board of commissioners—the balance as above stated has been paid out for surveys and examinations—for a dredge boat and other instruments, and machinery, perhaps unnecessary, as preparatory arrangements. And but little more than five hundred dollars has been paid for work on the river; that five hundred dollars or upwards has been paid to John M. Cooper, the undertaker, and by whom the work has been principally executed.

The obstruction in McGrew's Shoal has not yet been removed, and if removed, would not be more than one sixth of the work to be done, on the scale on which it has been begun.

That the appropriation therefore is inadequate, needs no further illustration.

It may be remarked, however, that Cooper has proposed that he would be willing to complete the excavation as commenced through the McGrew's Shoals, for six hundred dollars, provided he can be paid for the work he has already done.

2. As to the utility of the improvement at all, on either plan projected, the committee learn that the obstructions consist of numerous shoals as above mentioned, separated from one to ten miles from each other along the course of the river, each of which, in proceeding upwards, has a considerable elevation above the one below, and that excavating any one so as to make the channel over it deeper and wider, causes an elevation of the next above, or which is the same thing, a fall in the water immediately below, rendering in all cases a still deeper excavation necessary in ascending. So without pretending to a thorough knowledge of the science of engineering, unless some plan should be adopted to prevent such an occurrence, such as expensive stone walls to elevate or narrow the channel, or the construction of locks, such as are used on canals, or unless the work should be confined to the removal of permanent obstacles, without draining the channel, any great practicable benefit to the public may not be expected.

J. M. Cooper, as appears by a contract between himself and the board, under date 3d. Sept. 1838, for the sum of thirteen thousand dollars, undertook to remove the obstruction or make a suitable channel at McGrew's Shoals, under very rigid restrictions, which are very distinctly and well defined in the contract, by the first day of January, 1840. There seems to be some conflict in the evidence as to the manner in which he was prosecuting the work, and as to the prospect of its completion under the contract; at all events, all agree, that he had done a large portion of the work, in strict pursuance of the contract, or otherwise.

But the board in pursuance of an intimation several times previously given to Mr Cooper, believing as they alleged, that he would not be able to com-

to do the work within the time limited, did on the 20th Sept. 1839, by a formal order, discharge him from the work, and pronounce the contract null and void, something more than three months before the expiration of the time limited. There were other matters of dispute and mutual complaint between the parties, which need not be noticed.

Mr Cooper manifested a willingness either to be restored to the position he occupied under the contract, or to receive at the hands of the legislature reasonable compensation for the labor he has done, and the amount of money he has paid out.

The statement of the amount to which he deems himself justly entitled, may be stated as follows, to wit:

His own services as contractor,	:	:	:	:	\$1,400
Money either due or paid out by him for hands and assistants,					4,600
					<hr/>
					\$6,000
Cr. by cash paid him by commissioners in July 1839,	:				500
					<hr/>
					\$5,500
Interest from 20th Sept. 1839, the time he was removed, to 1st Dec.					965
					<hr/>
					\$6,465

Having taken this brief summary view of some of the principal facts, the question arises, is it consistent with the true interest of the State, or is there any principle of justice requiring that the prayer of the petitioner, however numerous and respectable the names by which it is sustained, to restore Cooper to his contract, should not be granted by the legislature.

If the improvement at that point on the river can be completed, as intimated by Cooper, for the additional amount of some \$500 or \$600, and in such a manner as to improve the navigation, the committee feel no hesitancy in recommending that course. If not, however, your committee feel bound by a sense of justice to state, that Cooper should be reimbursed the expenses he has sustained, and paid for the labor he has actually performed; but are inclined to think that under all the circumstances, the amount of the account as above rendered, is too large by some thousand dollars. For the purpose, therefore, of getting clear of this perplexing subject, and of presenting the whole matter distinctly, and in a tangible form before the Senate, for their just and enlightened action, your committee respectfully beg leave herewith to report a bill to be entitled an act to compensate John M. Cooper, a contractor for work on the Tombigbee river, and for other purposes; which was read and ordered to a third reading.

Mr Lea, from the same committee to whom was referred a bill from the House of Representatives to be entitled an act to alter and amend the laws of this State relative to collections of claims against steamboats and other water crafts navigating the waters of the State of Alabama, reported the same to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Dent, from the select committee to which was referred a bill from the House of Representatives to be entitled an act for the relief of Harriett A. Hatfield, reported that the committee has stricken from the bill all except the 1st section thereof, and thus amended, recommended its passage.

The report of the committee was concurred in. Yeas 17. Nays 5.

Those who voted in the affirmative are, Messrs President, Baylor, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Reese, and Turner.

Those who voted in the negative are Messrs Ross, Rodgers, Toulmin, Wilson of J. and Womack.

The bill was then read a 2d time, and ordered to a 3d reading. Yeas 16. Nays 7.

Those who voted in the affirmative are Messrs Clarke, Daily, Dent, Foster, Hall, Hunter, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, Messrs President, Baylor, Creagh, McClanahan, McVay, Rodgers, and Womack.

Mr Phillips, from the committee on the judiciary, to whom was referred a bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named, reported the same back to the Senate without amendment and recommended its passage. The bill was then placed among the orders of the day.

Mr Hall, from the committee on the penitentiary, to which was referred the memorial of John H. Thomas & Co. reported that it was inexpedient to grant the prayer of the memorialists, and asked leave to be discharged from the further consideration of the same.

Mr Hall moved to disagree to the report, so far as relates to that portion of the memorial, which has reference to extra work alledged to have been done on the Penitentiary.

Mr Phillips moved to lay the report upon the table, which was carried.

Mr Reese, from the committee on retrenchment, to whom was referred a resolution proposing to reduce and define the fees of certain officers, reported a bill to be entitled an act, to reduce and define the fees of certain officers therein named, which was read and ordered to a second reading.

Mr Toulmin, from the select committee to whom was referred a bill to be entitled an act to extend the time for collecting the county school and road tax, in the county of Mobile for the year 1841, and for other purposes, reported the same back to the Senate, with an additional section thereto, and thus amended, recommended its passage; the amendment was concurred in by the Senate, and the constitutional rule being suspended, the bill was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

Ordered that it be sent to the House of Representatives for their concurrence.

Mr Phillips introduced a bill to be entitled an act to amend an act relative to absconding slaves, approved January 28, 1839, which was read a first time, and the constitutional rule being dispensed with, it was read a second time and on motion of Mr Phillips, referred to the judiciary committee.

Mr McClanahan introduced a bill to be entitled an act to amend the several acts, in relation to the trial of the right of property, which was read and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act better to secure bad, unknown and doubtful debts, which was read and ordered to a second reading.



Mr Buford introduced a bill to be entitled an act to enforce liabilities of Sheriffs in respect of defaults and misfeasance in office, which was read and ordered to a second reading.

Mr Ross introduced a bill to be entitled an act in relation to the causeways in the county of Wilcox, which was read and ordered to a second reading.

Mr McConnell introduced a bill to be entitled an act authorizing the commissioners' court of Talladega county, to levy a tax for certain purposes, which was read a first time and the constitutional rule being dispensed with, it was read a second time forthwith, and ordered to be engrossed for a third reading.

Mr Toulmin introduced a bill to be entitled an act to amend an act passed 7th January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city, a supply of wholesome water to be used for domestic purposes, and for the extinguishment of fires, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to incorporate the 1st regiment of volunteer militia, in Mobile county, which was read and ordered to a second reading.

A message was received from the House of Representatives by Mr Cooke.

Mr PRESIDENT: the House of Representatives have read three several times and passed bills which originated in the Senate, of the following titles, to wit:

An act to ascertain and fix permanently the line between the counties of Jackson and Madison, and have amended the same as therein shewn.

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of the Alabama militia, in the city and county of Mobile, and have amended the same as therein shewn, in which they ask the concurrence of the Senate.

They have also passed bills which originated in the House, of the following titles, to wit:

An act to incorporate the musical society, of the city of Mobile, and for other purposes.

Joint resolutions for the sale of the decisions of the supreme court of Alabama.

An act to incorporate the Burnt Corn male academy, in the county of Conecuh.

An act for the benefit of the estate of John S. Gray, deceased.

In all of which they ask the concurrence of the Senate.

The amendments of the House, to the bill to ascertain and fix permanently the line between the counties of Jackson and Madison; and

The bill to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, in the city and county of Mobile; were severally concurred in by the Senate.

Bills from the House of Representatives of the following titles, to-wit:

An act to incorporate the Burnt Corn male academy, in the county of Conecuh.

An act for the benefit of the estate of John S. Gray, deceased.

An act to incorporate the Medical society of the city of Mobile, and for other purposes; were severally read and ordered to a second reading.

A joint resolution from the House of Representatives for the sale of the

ions of the supreme court of Alabama, was read and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day. Engrossed bills of the following titles, to wit:

An act to renew medical pursuits in certain cases.

An act to confirm the will of Martin Kirby, late of Mobile county, dec'd.

An act compensating losses occasioned by pressing a horse in the Creek service.

An act to amend an act to incorporate the Madison Turnpike Company, approved January 14th, 1834, and joint resolutions authorising Arthur Foster to draw and receipt for the pay of John H. Garrett, late a member of the House of Representatives, from the county of Cherokee, were severally read a third time and passed.

Ordered that the titles remain as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to incorporate the Hook and Ladder company, No. 1, and fire companies, No. 36 and '7, of the city of Mobile.

An act fixing the time of holding justices' courts in the counties of Coosa and Autauga, and for other purposes, were each read a third time and passed.

Ordered that the title remain as aforesaid.

Engrossed bill to be entitled an act to incorporate the Stockton Steam Boat and Ware House Company; in the county of Baldwin, was read a third time and passed—Yeas 18, Nays 8.

Those who voted in the affirmative are Messrs President, Andress, Clarke, Creagh, Dailey, Dent, Foster, Hall, McAllister, McConnell, McClanahan, McVay, Oliver, Phillips, Reese, Ross and Turner.

Those who voted in the negative are Messrs Baylor, Brindley, Hunter, King, Lea, Rodgers, Watrous and Wilson of J.

Ordered that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to repeal the General Ticket Law, being on its third reading, was on motion of Mr Foster, postponed until Friday next, and made the special order for 11 o'clock on that day.

A bill from the House of Representatives to be entitled an act to repeal in part and amend an act to incorporate the Selma and Tennessee Rail Road company, approved Dec. 22nd, 1836, was read a third time and passed.

Ordered that the title remain as aforesaid.

A bill to be entitled an act to prevent frauds in elections, was read a second time.

Mr Dailey moved to strike out of the fifth section the following:

"That hereafter, in any election in this State, it shall be unlawful for any voter to vote out of the county of his residence, and if any person shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof in the circuit court on indictment, shall be fined in any sum, not less than two hundred dollars, nor more than four hundred dollars. And on default of the payment of the fine assessed, shall be imprisoned in the county jail, a term not less than one month, nor exceeding four months, at the discretion of the court," which was lost.—Yeas 8, Nays 19.

Those who voted in the affirmative are Messrs Baylor, Dailey, Hunter, Lea, Oliver, Phillips, Ross and Womack.

Those who voted in the negative are, messrs President, Address, Brindley, Clarke, Creagh, Dent, Foster, Hall, King, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner, Watrous and Wilson of J.

On motion of Mr Watrous, the prviso to said 5th section was stricken out. The question then recurred on ordering the bill to be engrossed, and the vote being taken thereon, it was lost. Yeas 14. Nays 14.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hall, King, Lea, McAllister, McConnell, Reese, Toulmin, and Turner.

Those who voted in the negative are, messrs Address, Buford, Dailey, Dent, Hunter, McClanahan, McVay, Oliver, Phillips, Ross, Rodgers, Watrous, Wilson of J. and Womack.

A bill from the House of Representatives to be entitled an act to compel the county treasurer of Pickens county, to reside at or near the county site, was read a third time and passed. Yeas 26—Nays 1.

Those who voted in the affirmative are, messrs President, Address, Brindley, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of J. and Womack.

Mr Baylor voted in the negative.

A bill to be entitled an act for the relief of Elison Warren, late tax collector of Barbour county, was read a second time and ordered to be engrossed for a third reading.

A bill from the House of Representatives to be entitled an act for the relief of Sarah Squires, was read a second time, and on motion of Mr Watrous, ordered to be laid on the table.

A bill from the House of Representatives to be entitled an act to change the time of holding the county court of Tallapoosa county, was read a second time, and on motion of Mr Reese, referred to a select committee.

Whereupon messrs Reese, Dailey and Phillips were appointed said committee.

A bill from the House of Representatives to be entitled an act to divorce Amanda White from her husband Wm. A. White, was read a second time, and on motion of Mr Reese, referred to the committee on divorce and alimony.

A bill from the House of Representatives to be entitled an act to divorce Joseph Daniel from his wife Huldah Daniel, was read a second time, and on motion of Mr Rodgers, referred to the committee on divorce and alimony.

A bill to be entitled an act in relation to dower, was read a second time, and on motion of Mr Baylor, referred to the committee on the judiciary.

Bills from the House of Representatives of the following titles, to wit:

An act to change the mode of appointing apportioners within the county of Walker.

An act authorising an additional surveyor for Sumter county.

An act to change the name of Alfred B. Palmore.

An act to require the county officers of Marshall county to receive certain claims therein named.

Joint resolutions in regard to certain records.

An act to alter and amend the laws of this State relative to the collection

of claims against steamboats and other water crafts navigating the waters of Alabama, was severally read a second time and ordered to a third reading.

A bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named, was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered, that the titles remain as aforesaid.

On motion of Mr Turner, the vote taken yesterday on refusing to pass a bill for the payment of provisions furnished the troops while in the service of the United States, was reconsidered.

On motion of Mr McConnell, the bill was referred to a select committee.

Whereupon messrs McConnell, Buford and Turner, were appointed said committee.

Mr Turner asked leave to withdraw the account of Wm. D. Figures; which was granted.

The Senate then took up the special orders.

A bill to accept the two per cent. fund, was read a second time.

Mr Baylor moved to postpone its further consideration until Monday next; which was lost. Yeas 12—Nays 16.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Watrous and Womack.

The bill was then ordered to be engrossed for a third reading. Yeas 20—Nays 9.

Those who voted in the affirmative are, messrs Address, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, McAllister, McClanahan, McVay, Rodgers, Turner and Wilson of J.

A bill to provide for the removal of the seat of government, was read a third time and passed. Yeas 17—Nays 12.

Those who voted in the affirmative are, messrs Address, Clarke, Creagh, Dailey, Foster, Hall, Hunter, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Buford, Dent, King, Lea, McClanahan, McVay, Rodgers, Thornton and Wilson of J.

Ordered that the title be as aforesaid.

On motion of Mr Hunter, the special orders were suspended.

On motion of Mr Creagh, the vote taken this morning on concurring in the report of the committee upon the bill for the relief of Harriett A. Hatfield, was reconsidered.

The question then recurred on concurring in the report of the committee; which prevailed.

The bill was then read a third time.

Mr Hunter asked leave to introduce a bill for the relief of Mary Dudley, of the county of Lowndes.



The subject matter of this bill having been embraced in another bill before the Senate, and by a vote of the Senate stricken therefrom, Mr President declared it to be out of order, from which decision Mr Hunter took an appeal, and called for the yeas and nays.

The question was then put, Shall the decision of the chair remain as the sense of the Senate? which was decided in the affirmative. Yeas 13—Nays 12.

Those who voted in the affirmative are, messrs President, Andress, Baylor, Dailey, Dent, Foster, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Brindley, Buford, Clarke, Creagh, Hunter, King, Lea, Oliver, Phillips, Ross, Watrous and Womack.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles:

An act to change the time of convening the general assembly.

An act to authorise Norborn E. Chandler, of Sumter county, to sell goods, wares and merchandise without a license, in said county.

An act to confirm the will of Thomas Murphy, deceased.

On motion of Mr McConnell, the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Dec. 7, 1841.

• The Senate met pursuant to adjournment.

Mr Lea, from the select committee to whom was referred a bill from the House of Representatives to regulate and fix the fees of witnesses where the State is a party, reported the same back to the Senate with sundry amendments; in all of which the Senate concurred.

The bill was then read a third time and passed.

Ordered that the title remain as aforesaid.

Mr Toulmin, from the committee on the State bank, to whom was referred the memorial of Dorcas M., Eliza, Jane and Isabella Burke, reported a bill in conformity with the prayer of the memorialist; which was read a first time, and the constitutional rule being dispensed with, it was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Rodgers, the vote taken on yesterday refusing to order a bill to be entitled an act to prevent frauds in elections, to be engrossed for a third reading, was reconsidered.

The question then recurred on ordering the bill to be engrossed for a third reading; which was carried. Yeas 14—Nays 12.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Lea, McAllister, McConnell, Reese, Rodgers, Toulmin and Turner.

Those who voted in the negative are, messrs Andress, Buford, Dailey, Dent, Hunter, King, McClanahan, Oliver, Phillips, Ross, Watrous and Wilson of J.

Mr McConnell, from the select committee to whom was referred a bill appropriating money to Robert Nelson and others, reported as a substitute a bill for the relief of Robert Nelson alone; which was adopted by the Senate, read a third time and passed.

Ordered, that the title be as aforesaid.

Mr Hudson, from the committee on federal relations, made the following report:

The resolutions from the States of Massachusetts, Delaware and Pennsylvania, having for their object the distribution by Congress of the money arising from the sales of the public lands, &c., having been referred to the committee on federal relations, that committee have instructed me to report, that they have given the subject that respectful consideration which is due to the high sources from which it emanated. And while your committee have neither the time nor inclination to go into a lengthy argument in opposition to the positions assumed, yet in view of the principles involved in the question of distribution, and the important influence, if called into action, which they must exert on the operations of the United States Government, perhaps for ages to come, they feel called on to give a few plain reasons in support of their opposition to the doctrine of distribution, which is, in their opinion, has neither the sanction of the constitution of the United States, the welfare and happiness of the people, or the usages of the government from its earliest history.

The power assumed to distribute to the States, money in the treasury, whether derived from the sale of public lands, or any other source, is not derived from any express grant in the constitution, nor is it necessary or proper to carry into effect any express grant contained in that instrument, and therefore is an usurpation.

It belongs only to that class of constructive powers most strongly tending to consolidation, and which have ever received an uncompromising opposition from the Republican party.

The grant in the constitution "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," is a power of regulation and not of donation.

In proof of the above, Congress has from time to time, passed laws for the survey and disposition of the public lands, and when sold, the moneys arising therefrom have gone into the treasury and formed a portion of the ordinary revenue of the government. And never, until this late period in our history, has the deduction been made from that sacred instrument, that any ordinary portion of the revenue of the government could be distributed by Congress to the States from a comparatively exhausted treasury, to be replaced by taxes on the people; if such be true, the instrument calls loudly for amendment.

Again, the public lands were ceded to Congress by the States, and thereby became the property of the nation, and as we have before said, the proceeds thereof arising from the sales, is one branch of the ordinary revenue of the government. Therefore, it follows that if Congress can distribute, as proposed, one branch of the public revenue, it can with equal propriety in the same manner dispose of any other.

The same power that could distribute the proceeds of the public lands, can distribute the revenue arising from duties on imports, sell the navy yards and ships of war, and levy fresh taxes on the people to buy more.

Your committee cannot for a moment concede that such a power has been conferred on the government of the United States.

That government which exercises an unlimited power to donate its moneys and replace them by new levies on its subjects, no matter what may be its forms, is in point of fact, a despotism of an odious and oppressive character.

But it is contended by some, that the doctrine of distribution has heretofore received the sanction of Gen. Jackson, while President of the United States.

Let that great man speak for himself. In his annual message to Congress in December 1829, in speaking of the difficulties which might grow out of the contingency of an overflowing treasury, he says: "to avoid these evils it appears to me that the most just and judicious disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation, and should this measure not be found warranted by the constitution, it would be expedient to propose to the people an amendment authorising it. I regard an appeal to the source of power in all cases of real doubt, and when its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations."

It will readily be seen from the above, that it was a mere suggestion of President Jackson, as to the proper mode of disposing of an accumulating surplus treasury, a subject at all times of much embarrassment and difficulty.

Your committee believe that a fair construction of that portion of the message above quoted, so far from proving that President Jackson was in favor of the doctrine of distribution, seems to show conclusively, that he entertained serious doubts on that subject, as to its constitutionality; and that belief is much strengthened from the fact that it is understood, that a report was made during that session of Congress, from one of its standing committees adverse to the intimation in the message, which met the entire approbation of the President. Let it be borne in mind also, that President Jackson was speaking in relation to a surplus in the treasury. Suppose at that time there had been a deficiency instead of a surplus, no one acquainted with the principles and policy of President Jackson and his ultra abhorrence to any project in the shape of unnecessary taxation, no matter how richly gilded, will pretend to say that he would have recommended a constitutional measure having for its object the emptying of the treasury with one hand by donations to the States, and levying laws with the other to supply the vacuum. But let us go farther back, and see what President Jefferson said on the subject.

In his annual message to Congress, in December 1806, speaking in reference to accumulation of the revenue above the wants of the government, he says:

"The question then comes forward, to what objects shall these surplusses be applied;" after discussing the propriety of the applications of such fund to education and internal improvements, he adds:

"The subject is now proposed for the consideration of Congress, because if approved, by the time the State legislatures have deliberated on the extension of federal fruits, and laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand, and without employment."

"I suppose an amendment of the constitution by consent of the States, necessary, because the objects now recommended, are not among those enumerated in the constitution, and to which it permits the public money to be applied."

So it seems that Mr Jefferson did not believe that Congress for the purposes of education (the encouragement of which seems to be contemplated by that instrument) could appropriate a surplus. Yet it is now considered that Congress can constitutionally distribute the contents of an embarrassed treasury among the several States of this Union. The proposition seems too absurd to be for a moment sustained by the good sense of the American people.

In a word, your committee can view the proposition in no other light, than the protective tariff system in disguise.

That the revenue of the nation is to be squandered from year to year among the States, creating thereby a pretext for the imposition of higher duties on imposts.

Much might be said in relation to the oppressive operation of the distribution system, on the products and commerce of the south; but your committee will not pursue the subject further, but submit the following resolutions, and recommend their passage.

Be it further Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That in the cession by the States to the United States government of their lands, they thereby parted with all title and claim to the same, and said lands thereupon became and is of right the exclusive property of the United States government.

Be it resolved by the authority aforesaid, that the monies arising from the sale of said lands, is a portion of the ordinary revenue of the U. States government, and has so been considered from the formation of the government.

Be it further resolved, that the late act of Congress, having for its object the distribution of the proceeds of the sale of the public lands among the several States, so far as that object is concerned, is a flagrant violation of the constitution of the United States, destructive to the independence of the States, and well calculated in its operations to prove highly oppressive to the people.

Be it resolved by the authority aforesaid, that his Excellency the Governor, be requested to transmit a copy of this report and resolutions to each of the Governors of our sister States; of Delaware, Massachusetts and Pennsylvania, and also the Executives of each of the other States of this Union, with a request that they may be laid before their respective Legislatures.

On motion of Mr Hudson the further consideration of the report was postponed until Friday next, 11 o'clock, and made special order at that time.

Mr Reese, from the select committee to whom was referred a bill to be entitled an act, to change the time for holding the county court of Tallapoosa county, reported the same back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Hall introduced a bill to be entitled an act to compensate W. H. Thomas & Co., for extra work done on the Penitentiary building, which was read a first time.

Mr Hall moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith, which was lost.

The question then recurred on ordering the bill to a second reading, which was carried.

Mr Phillips offered the following resolution:

**RESOLVED;** that with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn sine die, on Saturday the 25th of December, instant.

Mr Dent moved to lay the resolutions on the table, which was lost. Yeas 9, Nays 19.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Clark, Dent, Foster, McClanahan, McConnell and Watrous.

Those who voted in the negative are Messrs Andress, Buford, Creagh,



Dailey, Hall, Hudson, Hunter, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

Mr McClanahan moved to postpone the further consideration of the resolution until the 24th instant, which was lost. Yeas 11, Nays 17.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Clark, Dent, Foster, McClanahan, McConnell, Reese, Rodgers and Watrous.

Those who voted in the negative are Messrs Andress, Buford, Creagh, Dailey, Hall, Hudson, Hunter, King, Lea, McAllister, Oliver, Phillips, Ross, Toulmin, Turner, Wilson of J. and Womack.

Mr Dent moved to strike out 25th instant, and insert 13th.

Mr Hudson called for a division of the question, which was first taken on striking out, and lost.

The question then recurred on the adoption of the resolution, which was carried. Yeas 19, Nays 8.

Those who voted in the affirmative are Messrs Andress, Brindley, Buford, Creagh, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are messrs President, Baylor, Clarke, Dent, Dailey, Foster, McClanahan, Rodgers and Watrous.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution from the House of Representatives, instructing the joint examining committee to report the names of unknown debtors, &c., of the State bank and its branches, to the Legislature, reported it back to the Senate, and asked to be discharged from its further consideration, which was concurred in.

Mr Watrous introduced a bill to be entitled an act to build a jail in the county of Shelby, and for other purposes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Brindley introduced a bill to repeal in part and amend an act therein named, which was read and ordered to a second reading.

Mr Dailey offered the following resolution:

**RESOLVED**, that the committee on propositions and grievances be instructed to enquire into the propriety of passing a law to compel the payment of interest on borrowed money, though it may be at the rate of more than 8 per cent per annum, when such contract is for a valuable consideration, and bona fide contract.

On motion of Mr Creagh, "propositions and grievances" were stricken out, and "judiciary" inserted.

The question then recurred upon the adoption of the resolution as amended, which was lost.

Mr Lea introduced a bill to be entitled an act in regard to remedies for forcible entry and detainer, which was read and ordered to a second reading.

Mr Hunter introduced a bill to be entitled an act for the relief of Mary Dudley, of the county of Lowndes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Watrous, a bill for the relief of Sarah Squires, was taken from the table.

Mr Watrous then moved its indefinite postponement, which was lost.

The question then recurred on ordering the bill to a third reading, which was carried.

The following message was received from the House of Representatives by Mr Tunstall.

Mr President; the House of Representatives concur in the amendment made by the Senate, to the resolution proposing to go into the election of solicitor for the 8th and 9th judicial circuits.

The hour of 11 o'clock having arrived, the Senate took up the special order, which was the following preamble and resolutions:

Whereas, the good people of this State experience serious inconvenience in procuring the proper kind of money, with which to enter their ——— on the public lands, on account of the unexampled scarcity of gold and silver, and whereas, at the first session of the twenty-seventh Congress, an act was passed to distribute the nett proceeds of the sales of the public lands among the States of the Union in proportion to their respective federal representation, as ascertained by the last census;

Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to have a law passed, authorizing and requiring the receivers of public moneys, at the different land offices in this State, to receive in payment of the public lands, the bills of the bank of the State of Alabama and its several branches, to an amount that will be equivalent to the distributive share of the proceeds of the sales of the public lands, to which the State of Alabama may be entitled, according to the provisions of an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4th, 1841.

2nd. And be it further resolved, that the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

The question being on the adoption of the resolutions aforesaid, the vote was taken thereon, and lost. Yeas 11, Nays 15.

Those who voted in the affirmative are messrs Andress, Buford, Dent, Foster, Hunter, King, Lea, Oliver, Phillips, Ross and Womack.

Those who voted in the negative are messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Hall, Hudson, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Turner and Wilson of J.

Mr President laid before the Senate a communication from the branch bank at Mobile, which was read, and on motion of Mr Hudson, referred to the joint committee raised for the purpose of investigating frauds, alleged to have been practised upon the State bank and branches.

The Senate then proceeded to the consideration of the orders of the day. Engrossed bills of the following titles, to wit:

An act for the relief of Ellison Warren, tax collector of Barbour county.

An act authorizing the commissioners' court of Talladega county to lay a tax for certain purposes, were each read a third time and passed.

Ordered that the titles be as aforesaid.

Engrossed bill to accept the two per cent. fund, was read a third time and passed. Yeas 20, Nays 6.

Those who voted in the affirmative are messrs President, Andress, Buford,

Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are messrs Brindley, Hudson, McAllister, McClanahan, Rodgers and Turner.

Ordered that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to change the mode of appointing apportioners within the county of Walker.

An act authorizing an additional surveyor for Sumter county

An act to change the name of Alfred B. Palmore.

An act to require the county officers of Marshall county, to receive certain claims therein named, and joint resolutions in regard to certain records, were severally read a third time and passed.

Ordered that the titles be as aforesaid.

On invitation by Mr Tunstall, the Senate proceeded to the Hall of the House for the purpose of electing a Solicitor for the 8th, and a Solicitor for the 9th judicial circuits, and also five individuals, to constitute the medical board at Livingston, Sumter county, Alabama.

Mr President then arose and announced the object of the meeting of the two Houses.

The two Houses first proceeded to the election of a Solicitor for the 8th judicial circuit. Messrs SAMPSON W. HARRIS, THOS. MAGEE, W. W. MORRIS and — STEINER, being in nomination.

Those who voted for Mr Harris, are of the Senate, messrs Clarke, Dailey, Hall, Lea, Phillips, Rodgers and Womack; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Griffin of J., Hogan, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, R. McAlpin, Musgrove, Randolph, Rice, Rhodes, Rushing, Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancy—37.

Those who voted Mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Hudson, Hunter, King, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and Barron, Bradley, Chiles, Cochran, Erwin, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—24.

Those who voted for Mr Morris are, messrs McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud, Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion, of B., McMillion of J., Morgan, Reynolds, Smith of J., Steele, Taylor, Walker of Benton, Wynn and Young of the House—30.

Those who voted for Mr Stienner are, messrs Andress, Dent, Foster, McAllister and Reese of the Senate; and messrs Dav's of B., Gresham, Griffin of S. Harris, Haughton, Heflin, Henry, Henslee, Houston, Jones of Cov., Mason, Norman, Norwood, Norris, Perkins, Phillips, Rodgers, Scott, Smith of H., Smith of L. Smith of T., and Stinson, of the House—31.

Neither having received a majority of the whole number of votes given, the Senate proceeded to vote a second time.

Those who voted for Mr Harris are, messrs Andress, Clarke, Dailey, Hall, Lea, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Griffin of J., Hogan, Hunter, Jones of M., Jemison, Justice, Marchbanks, R. C. McAlpin, Ran-

dolph, Rice, Rhodes, Rushing, Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey of the House—37.

Those who voted for Mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, King, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Bradley, Chiles, Cochran, Erwin, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—24.

Those who voted for Mr Morris are, messrs McClanahan, McConnell, Turner, Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of B., Million of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker of B., Wynn and Young of the House—31.

Those who voted for Mr Steiner are, messrs Foster, McAllister and Reese of the Senate; and messrs Barron, Davis of B., Ford, Gresham, Griffin of S., Harris, Haughton, Henry, Henslee, Houston, Kennedy, Jones of Con., Mason, McAllister, McLemore, Moore, Moors, Norris, Norwood, Perkins, Phillips, Rodgers, Scott, Smith of H., Smith of L., and Stinson—30.

Neither having received a majority of the whole number given, the two Houses proceeded to ballot a third time.

Those who voted for Mr Harris are, messrs Andress, Clarke, Daily, Hall, King, Lea, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Griffin of J., Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, R. C. McAlpin, Moore, Musgrove, Randolph, Rice, Rhodes, Rushing, Smith of J., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancy—39.

Those who voted for Mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Alexander of Lowndes, Bradley, Chiles, Cochran, Davis of B., Erwin, Hogan, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—26.

Those who voted for Mr Morris are, messrs McClanahan, McConnell, Turner and Wilson of J., and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker of B., Wynn and Young—30.

Those who voted for Mr Steiner are, messrs Foster, McAllister and Reese of the Senate; and messrs Barron, Ford, Gresham, Griffin of S., Harris, Haughton, Heflin, Henry, Houston, Jones of Cov., Mason, McAllister, McLemore, Moors, Norris, Norwood, Perkins, Rodgers, Scott, Smith of H., Smith of L., and Stinson.

Neither having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for Mr Harris are, messrs Andress, Clarke, Dailey, Hall, King, Lea, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Griffin of J., Haughton, Houston, Hunter, Jones of M., Jemison, Justice, Marchbanks, R. C. McAlpin, Moore, Musgrove, Perkins, Randolph, Rice, Rhodes, Rushing, Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Young of the House—41.



Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Ross, Toulmin, Thornton and Womack of the Senate; and messrs Alexander of Lowndes, Bradley, Chiles, Davis of B., Erwin, Garland, Harris, Hogan, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware—27.

Those who voted for mr Morris are, messrs Foster, McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Cain, Davis of L., Fletcher, Griffin of M., Griffin of S., Hammond, Jones of Con., Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker of B., Wynn and Young—31.

Those who voted for mr Steiner are, messrs AcAllister and Reese of the Senate; and messrs Barron, Ford, Gresham, Griffin of S., Heflin, Henry, Henslee, Kennedy, Mason, McAllister, McLemore, Moors, Norris, Norwood, Phillips, Rodgers, Scott, Smith of H., Smith of L., and Stinson of the House. 22.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot the fifth time, the name of mr Stenier, having been withdrawn.

Those who voted for mr Harris are, messrs Andress, Clarke, Dailey, Hall, King, Lea, McAllister, Phillips, Rodgers, and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of J., Griffin of S., Haughton, Henry, Henslee, Houston, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, McAllister, R. C. McAlpin, Moore, Moors, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rushing, Scott, Smith of H., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancy of the House. 53.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Reese, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Alexander of Lowndes, Barron, Bradley, Chiles, Cochran, Davis of B., Erwin, Harris, Hogan, Hutchinson, James, Jefferson, Mason, McLemore, Mitchell, Mundy, Smith of L., and Ware of the House—32.

Those who voted for mr Morris are, messrs Foster, McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Heflin, Jones of Con., Jones of Cov., King, B. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Norman, Norris, Phillips, Reynolds, Rodgers, Smith of J., Steele, Stinson, Taylor, Walker of B., Wynn and Young of the House—39.

Neither having received a majority, the two houses proceeded to ballot the sixth time.

Those who voted for mr Harris are, messrs Andress, Clarke, Daily, Hall, King, Lea, McAllister, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of J., Griffin of S., Haughton, Henry, Henslee, Houston, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, McAllister, R. C. McAlpin, Moore, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes,

Rodgers, Rushing, Smith of H., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey of the House—52.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Oliver, Reese, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Barron, Bradley, Chiles, Cochran, Davis of B., Erwin, Harris, Hogan, Hutchinson, James, Jefferson, Mason, McLemore, Mitchell, Moors, Mundy, Scott, Smith of L., and Ware of the House—32.

Those who voted for mr Morris are, messrs Foster, Hunter, McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land., Alexander of Lowndes, Armsbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Heflin, Jones of Con., Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of J., McMillion of B., Morgan, Norwood, Norris, Phillips, Reynolds, Smith of J., Steele, Stinson, Taylor, Walker of B., Wynn and Young of the House—38.

Neither having received a majority, the two Houses proceeded to ballot, again.

Those who voted for mr Harris are, messrs Address, Clarke, Dailey, Hall, Hudson, King, Lea, McAllister, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Cochran, Covington, Crawford, Davenport, Erwin, Ford, Gresham, Griffin of J., Griffin of S., Harris, Haughton, Henry, Henslee, Houston, Hunter, Hutchinson, Jones of M., Jemison, Justice, Kennedy, Marchbanks, Mason, McAllister, R. C. McAlpin, Moore, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of L., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey of the House—60.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Oliver, Ross, Thornton, Toulmin and Womack, of the Senate; and messrs Barron, Bradley, Chiles, Hogan, James, Jefferson, McLemore, Mitchell, Mundy and Ware of the House—21.

Those who voted for mr Morris are, messrs Foster, Hunter, McClanahan, McConnell, Reese, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land., Alexander of Lowndes, Armsbrister, Bishop, Cain, Davis of B., Davis of L., Garland, Griffin of M., Hammond, Heflin, Jones of Con., Jones of Cov., B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Moors, Morgan, Norman, Phillips, Reynolds, Smith of J., Steele, Stinson, Taylor, Walker of B., Wynn and Young—39.

Neither having received a majority, the two Houses proceeded to ballot the eighth time. The name of mr Magee having been withdrawn.

Those who voted for mr Harris are, messrs Address, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Hall, Hudson, King, Lea, McAllister, Oliver, Phillips, Rodgers, Thornton, Watrous and Womack, of the Senate; and messrs Allen, Barker, Chiles, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gresham, Griffin of M., Griffin of L., Harris, Haughton, Henry, Henslee, Houston, Hunter, Hutchinson, James, Jones of M., Jemison, Justice, Kennedy, Marchbanks, Mason, McAllister, R. C. McAlpin, Moore, Mundy, Musgrove, Norwood, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of L., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey, of the House—70.

Those who voted for mr Morris are, messrs President, Baylor, Foster, Hun-

ter, McClanahan, McConnell, Reese, Ross, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land., Alexander of Low., Armbrister, Barron, Bishop, Cain, Davis of B., Fletcher, Garland, Griffin of M., Hammond, Heflin, Hogan, Jones of Con., Jones of Cov., Jefferson, King, B. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Norman, Norris, Phillips, Reynolds, Smith of J., Steele, Stinson, Walker of B., Taylor, Wynn and Young—51.

Mr Ware voting for Mr Magee—1.

Mr Harris having received a majority of the whole number of votes given, Mr Speaker declared him duly elected solicitor of the eighth judicial circuit, for the term prescribed by law.

The two House next proceeded to the election of a solicitor for the 9th judicial circuit. Messrs S. B. COOPER, T. G. GARRETT and W. D. WINSTON, being nomination.

Those who voted for Mr Cooper were of the Senate, Messrs Andress, Buford, Dent, Foster, Hunter, Lea, Oliver, Phillips, Reese, Thornton, Watrous; and Messrs Barron, Bradley, Covington, Crenshaw, Davis of B., Erwin, Ford, Gresham, Griffin of L., Henry, Hutchinson, Jones of Cov., Jemison, Justice, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Storrs, Stinson, Wallace, Ware and Young, of the House—41.

Those who voted for Mr Garrett are, messrs Baylor, Clarke, Creagh, Hudson, McConnell, Ross, Rodgers and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Cain, Clemens, Cochran, Crawford, Davenport, Harris, Hunter, Jones of Cov. Jones of M. Kennedy, R. C. McAlpin, McLeod, Smith of H., Smith of L., Steele, Troup, Valliant and Walker of B., of the House—30.

Those who voted for Mr Winston are, messrs President, Dailey, Hall, King, McAllister, McClanahan, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Armbrister, Chiles, Davis L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of L., Wynn and Yancey—48.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot again.

Those who voted for Mr Cooper are, messrs Andress, Buford, Dent, Foster, Lea, Oliver, Phillips, Thornton and Watrous of the Senate, and messrs Barron, Bradley, Covington, Crenshaw, Davis of B., Erwin, Ford, Griffin of S., Harris, Henry, Hutchinson, Jones of Con., Jemison, Justice, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Wallace and Ware, of the House—35.

Those who voted for Mr Garrett are, messrs Baylor, Clarke, Creagh, Hudson, Hunter, McConnell, Ross and Womack, of the Senate; and messrs Alexander of Lowndes, Barker, Bishop, Cain, Clemens, Cochran, Crawford, Davenport, Garland, Gresham, Hunter, Jones of Cov., Jones of M., Kennedy, R. C. McAlpin, S. McAlpin, McLeod, Smith of H., Smith of L., Steele, Storrs, Stinson, Troup, Valliant, Walker of B. and Young, of the House—35.

Those who voted for Mr Winston are, messrs President, Dailey, Hall, King,

McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of the Senate; and messrs Speaker, Alexander of Loud., Armbrister, Chiles, Davis of L., Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillon of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of Lawrence, Wynn and Yancey of the House—50.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote again.

Those who voted for Mr Cooper are, messrs Address, Buford, Foster, Oliver, Phillips, Thornton and Watrous, of the Senate; and messrs Barron, Bradley, Covington, Davis of B., Erwin, Ford, Griffin of S., Harris, Henry, Hutchinson, Jones of Con., Justice, McLeMore, Mitchell, Moors, Norris, Norwood, Rhodes, Smith of T. and Ware of the House—21.

Those who voted for Mr Garrett are, messrs Baylor, Clarke, Creagh, Dent, Hudson, Hunter, Lea, McConnell, Ross and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Gresham, Hunter, Jones of Cov., Jones of M., Jemison, Kennedy, R. C. McAlpin, S. McAlpin, McLeod, Mundy, Perkins, Scott, Smith of H., Smith of L., Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Wallace and Young, of the House—42.

Those who voted for Mr Winston are, messrs President, Dailey, Hall, King, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of L., Armbrister, Chiles, Davis of L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillon of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of L., Wynn and Yancey, of the House of Representatives—51.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a fourth time. The name of Mr Cooper having been withdrawn.

Those who voted for Mr Garrett are, messrs Address, Baylor, Buford, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McConnell, Phillips, Ross and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Bradley, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of S., Harris, Hunter, Hutchinson, Jones of Con., Jones of Cov., Jones of M., Jemison, Justice, Kennedy, R. C. McAlpin, S. McAlpin, McLeMore, McLeod, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of H., Smith of L., Smith of T., Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Wallace, Ware and Young—59.

Those who voted for Mr Winston are, messrs President, Dailey, Foster, McAllister, McClanahan, Rodgers, Toulmin, Turner, Watrous and Wilson of J., of the Senate; and messrs Speaker, Alexander of Loud., Armbrister, Chiles, Covington, Davis of B., Davis of L., Erwin, Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Harris, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillon of B., McMillion of J., Mitchell, Moore, Morgan, Musgrove,



Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of Law., Wynn and Yancey, of the House—55.

Messrs Thornton and Oliver of the Senate, and Mr Barron of the House, voted for Mr Cooper.

Mr Garrett having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected solicitor of the ninth judicial circuit, for the term prescribed by law.

The two Houses next proceeded to the election of five individuals to constitute a medical board for Livingston, Sumter county, Alabama.

Messrs ARRINGTON, HAUGHTON, POSEY, SCHERLOCK and WHITING, being in nomination.

Those who voted for Mr Arrington are, messrs President, Baylor, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack, of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Armbrister, Barker, Bradley, Chiles, Covington, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Ware, Winston, Wynn, Yancey and Young, of the House of Representatives—81.

Those who voted for Mr Haughton are, messrs President, Address, Baylor, Buford, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Barker, Barron, Bradley, Chiles, Clemens, Covington, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Garland, Bishop, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Henslee, James, Jones of Con., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Young and Yancey, of the House—83.

Those who voted for Mr Posey are of the Senate, messrs President, Address, Baylor, Buford, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; and messrs Speaker, Alexander of L., Allen, Armbrister, Barker, Bradley, Chiles, Clemens, Covington, Crenshaw, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Henry, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancy and Young, of the House.—83.

Those who voted for Mr Scherlock are of the Senate, messrs President, Baylor, Buford, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; messrs Speaker, Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Chiles

Covington, Gresham, Davis of B., Erwin, Fletcher, Ford, Griffin, Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancy and Young, of the House—80.

Those who voted for Mr Whiting were of the Senate, Messrs President, Andress, Baylor, Buford, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; and Messrs Speaker, Alexander of Lowndes, Allen, Annbrister, Barker, Bradley, Covington, Crenshaw, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancy and Young, of the House.—79.

Messrs Arrington, Haughton, Posey, Scherlock and Whiting, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected a Medical Board of Livingston for the term prescribed by law.

The Senate then withdrew to their chamber; Mr President resumed the chair and called the House to order.

On motion of Mr. McConnell the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Dec. 8, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of a committee on behalf of a Rifle Company of Mobile, the reading of which was dispensed with, and on motion referred to the committee on military affairs.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the expediency of limiting by law, the amount of notes and bills hereafter discounted, and also limiting individual liability to the State bank and its several branches; and also to inquire into the expediency of laying off the State into banking districts, and confining each bank to its respective district, reported that it was inexpedient to legislate on the subject, in which the Senate concurred.

Mr Toulmin, from the same committee, to whom was referred a resolution, instructing them to inquire into the expediency of passing a law, prohibiting the President and directors of the bank of the State of Alabama, or any of its branches, from charging exchange upon bills purchased, when payable in New Orleans, or any of the northern cities, with leave to report by bill or otherwise, reported the same back to the Senate as inexpedient.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr McVay introduced a bill to be entitled an act to appropriate a certain sum for the repairs of the Tennessee canal, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and on

motion of Mr McVay, referred to the committee on internal improvements and inland navigation.

Mr McVay presented the account of the Sheriff of Lauderdale county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Dent, **RESOLVED**, that the Secretary, or assistant Secretary of the Senate may, either of them, employ the services of a clerk from day to day, to enroll bills, and perform such other duties as may be required whenever they shall deem the same to be necessary, and conducive to the public interest.

On motion of Mr McConnell, the vote taken on yesterday, on concurring in the report of the select committee, to whom had been referred a bill to be entitled an act, allowing compensation to certain persons therein named, for provisions furnished the troops, while engaged in the Creek service, was reconsidered.

On motion of Mr Hudson the report and bill were ordered to lie upon the table.

Mr Thornton, from the judiciary committee, to whom was referred a bill to be entitled an act, to enable the joint examining committee, more effectually to investigate bank frauds, reported that inasmuch as the bill was entirely temporary in its provisions, and needful to the dispatch of the business now in progress before the committee, they recommended its passage.

The bill was placed among the orders of the day.

On motion of Mr Hudson, the Senate then proceeded to the consideration of the orders of the day.

A bill from the House of Representatives to amend the laws of this State, relative to the collection of claims against steam boats and other water crafts, navigating the waters of the Alabama was read a third time and passed. Yeas 21, Nays 5.

Those who voted in the affirmative are Messrs President, Address, Brindly, Buford, Clarke, Creagh, Dailey, Hudson, Lea, McAllister, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs Dent, Foster, Hunter, King and Watrous.

Ordered that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to incorporate the Medical society of the city of Mobile, and for other purposes.

An act for the benefit of the estate of John S. Gray, deceased.

An act to incorporate the Burnt Corn Male Academy, in the county of Conecuh, and

Joint resolutions for the sale of the decisions of the Supreme Court of Alabama, were severally read a third time and passed.

Ordered that the titles remain as aforesaid.

A bill to be entitled an act to reduce and define the fees of certain officers therein named, was read a second time, and on motion of Mr Wilson of J. ordered to be laid upon the table.

A bill to be entitled an act to compensate John M. Cooper, a contractor for work done on the Tombecbee river, and for other purposes, was read a

second time, and on motion of Mr Creagh, the further consideration thereof was postponed until Monday next, and made the special order for 11 o'clock on that day.

A bill to amend the several acts in relation to the trial of property, was read a second time, and on motion of Mr McConnell, referred to the judiciary committee.

A bill to secure unknown, bad and doubtful debts, owing to the bank of the State of Alabama and branches, was read a second time, and on motion of Mr McClanahan, referred to the committee on the State bank.

A bill to enforce liabilities of Sheriff's, in respect of defaults and misfeasance in office, was read a second time, and on motion of Mr Buford, referred to the committee on the judiciary.

A bill in relation to causeways in the county of Wilcox, was read a second time, and on motion of Mr Ross, referred to the committee on roads, bridges and ferries.

A bill to amend an act passed 7th January 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city a supply of wholesome water, to be used for domestic purposes and the extinguishment of fires, was read a second time, and on motion of Mr Toulmin, referred to the committee on propositions and grievances.

A bill to incorporate the first regiment of volunteer militia in the county of Mobile, was read a second time, and on motion of Mr Toulmin, referred to the committee on military affairs.

A resolution from the House of Representatives, in relation to unknown debtors to the State bank and branches, was read and adopted.

A bill from the House of Representatives to change the time of holding the county court of Tallapoosa county, was read a second time, and on motion of Mr Dailey, ordered to lie upon the table.

Engrossed bills of the following titles, to wit:

An act for the relief of the representatives of David H. Burke, deceased, late of Mobile county.

An act to appoint commissioners to build a jail in the county of Shelby, and for other purposes; and

An act for the relief Mary Dudley, of the county of Lowndes, were severally read a third time and passed.

Ordered that the titles be as aforesaid.

Engrossed bill to prevent frauds in elections, was read a third time.

Mr Watrous moved to lay it on the table which was lost.—Yeas 12—

Nays 16.

Those who voted in the affirmative are Messrs Andress, Buford, Dent, Hunter, King, McClanahan, McVay, Oliver, Ross, Phillips, Watrous and Womack.

Those who voted in the negative are Messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hudson, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of J.

The question then recurred on the passage of the bill, which was carried. Yeas 15, Nays 14.

Those who voted in the affirmative are Messrs President, Baylor, Brind-



ley, Clarke, Creagh, Foster, Hudson, Lea, McAllister, McConnell, Reese, Rodgers, Thornton, Toulmin and Turner.

Those who voted in the negative are Messrs Andress, Buford, Dailey, Dent, Hunter, King, McClanahan, McVay, Oliver, Phillips, Ross, Watrous, Wilson of J. and Womack.

Ordered that the title be as aforesaid.

A bill from the House of Representatives for the relief of Sarah Squires, was read a third time and passed.

Ordered that the title be as aforesaid.

A bill for the benefit of Sally Partain, was read a second time, and on motion of Mr Wilson of Jackson, referred to a select committee, whereupon, Messrs Brindley, Wilson of J. and Hunter, were appointed said committee.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled,

An act to authorize the Comptroller of public accounts to draw his warrant on the State Treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the second judicial circuit.

Bills of the following titles, to wit:

An act to compensate Wm. H. Thomas & Co., for extra work done on the Penitentiary; and

An act to repeal in part an act therein named, were each read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act in regard to remedies for forcible entries and detainer, was read a second time, and on motion of Mr. Lea, referred to the judiciary committee.

A bill to enable the joint examining committee more effectually to investigate bank frauds, was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered that the title remain as aforesaid.

The following message was received from the House of Representatives by Mr Cooke.

Mr President: the House have passed a bill entitled an act to amend an act entitled an act to incorporate the Marion Female Association, approved 9th January, 1841.

They have also passed a bill which originated in the House of Representatives, for the relief of tales jurors in the county of St Clair, and other counties, in which the concurrence of your honorable body is asked.

They also concur in the amendments made by the Senate to a bill entitled an act to extend the time for collecting the county, school and road tax, in the county of Mobile in the year 1841, and for other purposes.

Also the amendment made to the bill to be entitled an act to regulate the proceedings of the circuit of Montgomery county, and for other purposes.

A bill from the House of Representatives for the relief of tales jurors in the county of St Clair, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

On motion of Mr Clarke, the bill was amended by adding "Benton," after Walker.

On motion of Mr Baylor, the bill was further amended by adding "the

State Alabama," after "Representatives," in the first line thereof; the bill, as amended, was ordered to a third reading.

On motion of Mr McConnell, the bill for the payment of provisions furnished while in the service of the United States, and the report of the committee thereon, was taken from the table.

On motion of Mr McConnell, the same was recommitted to the select committee.

Mr Dent introduced a bill to be entitled an act to compensate James G. Blount, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and referred to the committee on propositions and grievances.

Mr McConnell, from the select committee, to which was referred a bill for the payment of provisions furnished the troops, while in the service of the United States, reported a bill to compensate Robert Nelson, which was read a third time and passed.

Also a bill for the relief of Haley G. Jenkins and David Covington, which was read a second time and ordered to be engrossed for a third reading.—  
Yeas 17, Nays 7.

Those who voted in the affirmative are Messrs President, Andress, Brindley, Buford, Creagh, Clarke, Dailey, Foster, Hudson, Hunter, King, McAllister, McConnell, Oliver, Rodgers, Thornton and Toulmin.

Those who voted in the negative are Messrs Lea, McClanahan, McVay, Phillips, Ross, Turner and Wilson of J.

Mr Clarke introduced a bill to establish a board of Physicians in the town of Jacksonville, which was read, and ordered to a second reading.

On motion of Mr McConnell the Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Dec. 9th; 1811.

The Senate met pursuant to adjournment.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled, bills of the following titles:

An act fixing the time of holding justices' courts in the counties of Coosa and Autauga.

An act to compel the county treasurer of Pickens county to reside at, or near the county site.

An act to amend the charter of the Planters and Merchants bank of Mobile.

An act to alter the manner of compensating executors and administrators in certain cases.

An act to establish an additional Regiment of the militia of this State, in the county of Talladega: and

An act requiring the branch bank at Huntsville and Decatur to deposit their proportion of thirty-six thousand dollars in the State bank.

Mr McAllister presented the petition of the commissioners of township 7, range 29, in the county of Henry, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Rodgers, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled,

An act better securing mechanics in the city and county of Mobile; and

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Jones, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dent, Farrar, Hudson, Hall, McConnell, and Womack.

The vote was reconsidered.

The question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 19—Nays 11. The yeas and nays being desired.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Jones, King, Lea, Lloyd, McVay, Phillips, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dent, Farrar, Hudson, Hall, McConnell, Oliver, Rodgers, Ross, and Womack.

Ordered, that the bill remain as aforesaid.

Mr Terry from the committee on the State Bank, to whom was referred an act to authorize the Board of Directors of the Branch of the Bank of the State of Alabama, at Montgomery, to allow the attorney of said Branch Bank just and reasonable compensation, reported the same back to the Senate without amendment: the bill was then placed among the orders of the day.

Mr Hall from the select committee, to which was referred a bill entitled, an act to authorize the tax collector for the county of Monroe, to receive jury certificates in payment for taxes due said county, reported the same back to the Senate without amendment, and recommended its passage: the bill was then placed among the orders of the day.

Mr Rodgers offered the following resolution, to wit:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives to-morrow at twelve o'clock, for the purpose of electing a printer for the State for one year, from the sixteenth day of January next, when the time for which the present incumbent was elected, will expire.

Mr Dent moved to lay the resolution on the table; which was lost. Yeas 14—Nays 15. The yeas and nays being desired.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, Lloyd, McConnell, Oliver, Phillips, Ross, Thornton, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, and Wilson of J.

McConnell moved to postpone the resolution until Monday next; which was carried.

Mr Terry from the committee on the State Bank, to which was referred a bill to be entitled, an act to better regulate the securement and collection of debts due the Bank of the State of Alabama and the several Branches, reported the same as inexpedient to be passed. The bill was then placed among the orders of the day.

Mr Hall from the select committee to whom was referred a bill authorizing the tax collector of Tallapoosa county, to receive in payment of public dues, certain certificates therein named, reported a substitute therefor, and recommended its passage; which was adopted.

The question was then taken 'shall the bill pass?' which was carried.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed joint resolutions proposing the call of a convention were read a third time and upon the question of the passage, the yeas and nays were demanded. Yeas 17—Nays 14.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Dailey, Farrar, Hall, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Toulmin, Turner, and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Hudson, Jones, King, Lea, Lloyd, McVay, Rice, Rodgers, Terry, Thornton, Wilson of F. and Wilson of J.

A majority having voted for the resolutions, Mr President declared them to have passed.

Mr Thornton appealed from the decision of the chair, contending a majority of two-thirds to have been necessary for the passage.

The question was then put 'shall the decision of the chair stand as the judgment of the Senate?' which was decided in the affirmative. Yeas 19—Nays 11.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Dailey, Farrar, Hall, Lea, Lloyd, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Hudson, King, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, and Wilson of F.

Engrossed bill to be entitled, an act to authorize clerks of the county courts of the several counties in this State, to sue on stay bonds in the beat in which the courthouse is situated, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to assist the Montgomery Railroad Company, was read a second time.

On motion of Mr Jones, the words 'each stockholder,' in the fourth line of the third section, was stricken out, and the words 'the stockholders' inserted in lieu thereof.

Mr McConnell moved to strike out the second section; which was carried. Yeas 15—Nays 14.

Those who voted in the affirmative, are Messrs Clarke, Dent, Farrar, Hudson, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Creagh, Hall, Jones, King, Lea, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, and Womack.

On motion of Mr Lea, the bill was then laid upon the table.

On motion of Mr Dent, the orders of the day were suspended.

Mr Dent introduced a bill to be entitled, an act to change the county lines of Pickens and Tuscaloosa, so as to include Miles A. Davidson in the county of Tuscaloosa; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, the bill was read a second time, and referred to a select committee, consisting of Messrs King, Dent, and Oliver.

Mr Phillips from the committee on internal improvement and inland navigation, to whom was referred a resolution of inquiry into the expediency of making an appropriation for the improvement of the navigation of the Alabama river, reported and recommended its passage, a bill to be entitled, an act for the improvement of the navigation of the Alabama river.



Mr Hall presented the petition of Robert J. Glenn, and George Reeves of Autauga county, the reading of which was dispensed with, and on motion referred to the committee on the State Bank.

Mr Terry from the committee on the State Bank, to which was referred a resolution inquiring into the expediency of winding up the Bank of the State and its several Branches, reported that it was inexpedient to wind up said Banks at this time.

Mr McConnell moved to lay the report and resolution on the table.

Mr Wilson of F. called for the yeas and nays; which were ordered. Yeas 18—Nays 9.

Those who voted in the affirmative, are Messrs Alston, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Lea, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Ross, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Andress, Hudson, Jones, King, McVay, Oliver, Terry, Toulmin, and Wilson of J.

The resolution and report were laid upon the table.

The Senate then resumed the consideration of the orders of the day.

Engrossed bill to be entitled, an act concerning exemptions from public roads in De Kalb county, was read a third time and passed.

Mr Wilson moved to amend the caption by adding the words 'and for other purposes;' which was carried. Ordered, that the same be sent to the House of Representatives for its concurrence.

On motion of Mr Dent the Senate adjourned until three o'clock this evening.

EVENING SESSION, three o'clock, P. M.

The Senate met pursuant to adjournment and resumed the consideration of the orders of the day.

A bill to be entitled, an act more effectually to enforce the performance of the duties of sheriffs, in certain cases, was read a second time, and on motion of Mr Phillips referred to the committee on the judiciary.

A bill to be entitled, an act to ascertain and fix permanently the line between the counties of Madison and Jackson, was read a second time, and on motion of Mr Wilson of J. the bill was amended by adding the words 'and Jackson' after the word 'Madison,' in the fifth line of the first section; it was then ordered to be engrossed for a third reading.

A bill entitled, an act for the relief of Unicy Windham, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled, an act to amend the law in relation to bills of exchange and promissory notes, was read a second time, and on motion of Mr Phillips, referred to the committee on the judiciary.

On motion of Mr McConnell, the orders of the day were suspended.

Mr McConnell offered the following joint resolution, to wit:  
*'Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Cashier of the Bank of the State of Alabama, be, and is hereby required, not to pay any draft drawn by the president of the commissioners for the improvement of the navigation of the Coosa river.'*

Which was read a first time: the constitutional rule being dispensed with, was read a second time forthwith.

Mr McConnell, moved further to dispense with the rule,

Mr Hudson moved to refer the resolution to the committee on internal improvement and inland navigation; which was lost. The question then recur-

red upon Mr McConnell's motion to dispense with the constitutional rule, which was refused. Yeas 19—Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Address, Dent, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Oliver, Phillips, Reese, Terry, and Wilson of J.

The resolution was then ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act for the relief of James R. Powell, was read the third time, and the yeas and nays were demanded on its passage. Yeas 11—Nays 19.

Those who voted in the affirmative, are Messrs President, Creagh, Dent, Hall, McAllister, McConnell, Phillips, Terry, Toulmin, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Alston, Address, Clarke, Dailey, Farrar, Hudson, Jones, King, Lea, Lloyd, McVay, Oliver, Reese, Rice, Rodgers, Ross, Smith, Turner and Wilson of J.

The bill was lost.

Engrossed bills of the following titles, to wit:

An act to compensate the commissioners of roads and revenue in the county of Wilcox:

A bill to be entitled an act to compensate the commissioners of revenue and roads in the county of Dale, and for other purposes:

A bill to be entitled an act requiring the judge of the county court of Monroe county, to reside at or within five miles of the court house in said county:

A bill to be entitled an act for the protection of securities in certain cases:

A bill to be entitled an act to establish an additional board of physicians in the town of Jacksonville:

A bill to be entitled an act to restrict the several corporations in the State of Alabama:

All of which were severally read the third time, and passed the Senate. Ordered, that the title of each remain unchanged.

Engrossed bills from the House of Representatives of the following titles, to wit:

A bill to be entitled an act to change the time of holding the August term of the commissioners court of roads and revenue in the county of Henry:

A bill to be entitled an act to amend an act to incorporate the town of Columbiana, in the county of Shelby, approved, 5th, December, 1837:

A bill to be entitled an act to attach a part of the county of Wilcox to the county of Butler:

A bill to be entitled an act to regulate taxation for the county of Henry:

A bill to be entitled an act to authorize and compel the tax collector for the county of Covington, to receive in payment of taxes for said county, jury certificates for services rendered in the circuit and county courts, and for other purposes:

A bill to be entitled an act to raise a fund for the payment of jurors for the county of Pike:

A bill to be entitled an act to alter the mode of assessing and collecting the taxes for Henry and Dale counties:

A bill to be entitled an act authorizing an election of an assessor and tax collector for the county of Cherokee:

A bill to be entitled an act to limit the session of the circuit court of Talladega county to three weeks:

All of which were severally read the third time and passed the Senate. Ordered, that the title of each remain as aforesaid.

Ordered, that they be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act allowing compensation to certain persons, was read a third time.

Mr Rice offered an amendment by way of engrossed ryder, to wit: 'that Jethro D. Conway of Capt. John McKinzie's company, be entitled to all the benefits of the above act.'

Mr Clarke offered the following amendment to the amendment, to wit: 'that Spartan Allen of Capt. Dicken's company, be entitled to the provisions of said act;' which was lost.

The question then recurred upon the adoption of the amendment; which was lost.

The question was then put, 'shall the bill pass,' and the yeas and nays were demanded. Yeas 16—Nays 14.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Hudson, Hall, King, McAllister, Oliver, Phillips, Reese, Ross, Terry, Toulmin, Turner and Womack.

Those who voted in the negative, are Messrs Alston, Dailey, Dent, Farrar, Jones, Lea, Lloyd, McConnell, McVay, Rice, Rodgers, Thornton, Wilson of F. and Wilson of J.

The bill passed. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Benjamin Lansdale of the county of Henry, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to locate the seat of justice of Marshall county and for other purposes, was read a second time and ordered to a third reading.

A bill to be entitled an act concerning a certain turnpike road therein named, was read a second time, and on motion of Mr Hall, referred to a select committee. Messrs Hall, McConnell and Smith, were appointed the committee.

A bill to be entitled an act to remove the Branch of the Bank of the State of Alabama at Decatur, from its present location, was read a second time, and on motion of Mr Hudson, referred to the committee on the State Bank.

A bill to be entitled an act for the benefit of the sixteenth section, township two, range six, west, in Limestone county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to establish the General Ticket System in elections for Representatives in Congress for the State of Alabama, was read a second time.

Mr Dent moved to postpone the bill until Monday next, and make it the special order for that day; which was lost. Yeas 8—Nays 20.

Those who voted in the affirmative, are Messrs Dent, Jones, King, Lea, McVay, Phillips and Thornton.

Those who voted in the negative, are Messrs President, Alston, Andress, Creagh, Dailey, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, Reese,

Rice, Ross, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack

Mr Address moved to refer to the committee on retrenchment; which was also lost. Yeas 7—Nays 22.

Those who voted in the affirmative, are Messrs Address, Dent, King, Lea, Oliver, Phillips and Thornton.

Those who voted in the negative, are Messrs President, Alston, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Alston being entitled to the floor, was proceeding with his remarks in opposition to ordering the bill to be engrossed for a third reading, when he was called to order by the chair, for discussing subjects unconnected with the question before the Senate.

Mr Alston appealed from the decision of the chair.

The question was then put 'shall the decision of the chair remain as the opinion of the Senate;' which was decided in the negative.

Mr Hall moved that the Senate adjourn—lost.

The question was then taken upon ordering the bill to be engrossed for a third reading; which was carried. Yeas 15—Nays 12.

Those who voted in the affirmative, are Messrs President, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Rice, Terry, Toulmin, Turner and Wilson of F.

Those who voted in the negative, are Messrs Alston, Address, Dent, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Wilson of J. and Womack.

The bill was ordered to be engrossed.

On motion of Mr Jones, the Senate then adjourned.

FRIDAY, December 11, 1840

The Senate met pursuant to adjournment.

Mr Smith, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend a certain act therein named:

A bill to be entitled an act for the relief of Africa Roundtree.

Mr Terry presented the petition of John J. Simpson, the reading of which was dispensed with, and on motion referred to the committee on internal improvement.

Mr Terry from the committee on the State Bank, to whom was referred various bills and resolutions, to wit:

A bill to be entitled an act to reduce the number of Directors of the Branch of the Bank of the State of Alabama at Mobile and for other purposes:

Also, a bill to be entitled an act to enlarge the discretion of the Directory of the Bank of the State, and its several branches:

Also, a resolution instructing said committee to enquire into the expediency of providing for the collection of what is called the suspended debts:

Also, a resolution referring to them so much of the Governor's message as relates to the State Bank and Branches, and to banks generally:

Also, a bill to be entitled an act for the relief of Robert A. High & Co. reported a bill as a substitute for all, to be entitled an act to enlarge the discretion of the directory of the State Bank and Branches in securing debts due to said banks, and authorizing them to appoint bank marshals if necessary; and recommended its passage.



Mr Phillips moved to lay the report and bill upon the table, and one hundred and thirty three copies to be printed.

Mr Hall called for a division of the question, which was taken upon laying on the table, and carried.

The question was then taken upon ordering one hundred and thirty three copies to be printed, which prevailed.

Mr Phillips from the judiciary committee to whom was referred a bill to be entitled an act to authorize the Directors of the Florence Bridge Company, to establish rules, reported the same with the following amendments, to wit: after the word 'necessary' in the twelfth line, insert 'not being inconsistent with the provisions of their charter, nor the constitution and laws of this State,' and after the word 'peace' in the seventeenth line, strike out the words 'or may-or of any town.' The Senate concurred in the amendments of the committee, the bill read a second time and ordered to be engrossed for a third reading.

Mr Phillips from the committee on the judiciary, to whom was referred a bill to be entitled an act to authorize attachments to issue on mortgages, deeds in trust, &c. in certain cases, reported a substitute for the bill and recommended its passage.

On motion of Mr Jones, it was laid upon the table.

Mr Wilson of F. from the committee on privileges and elections, to whom was referred a bill to be entitled an act to abolish and establish certain election precincts, reported that they had amended the same by adding five additional sections, in accordance with the resolutions and petitions referred on that subject; in which the Senate concurred.

Mr Alston moved to amend by striking out the words 'the house of' before McKinley, which prevailed.

Mr. Reese offered an amendment as an additional section—which was adopted.

Mr King moved further to amend by adding another section, which was carried.

Mr Hall moved further to amend by adding another section, which prevailed.

The bill as amended, was then ordered to be engrossed for a third reading.

Mr McAllister from the committee on Indian expenditures, to whom was referred the account of Lowry Banks, reported that it was inexpedient to allow the same, and asked leave to be discharged from the further consideration thereof.

Mr Smith moved to lay the report on the table, which was carried.

Mr Smith then asked and obtained leave to withdraw the account.

Mr McAllister from the same committee to whom was referred the account of Little & Hopkins, reported a bill allowing the same.

A bill to be entitled an act to compensate Little & Hopkins for passage and stores of sixty four volunteer soldiers, Captain Martin and Taylor's companies from Mobile to Demopolis and Jamestown, on board the steamer Wanderer, was read a first time, and on ordering the bill to a second reading, it was lost.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act regulating the mode of collecting costs accruing in the supreme court.

Mr Turner from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to authorize Henry Hunter to erect a gate or gates upon that part of the public road which runs through his land, opposite the

town of Lexington in Dallas county, and for other purposes, reported the same back with the amendments of the Senate, and recommended its passage, in which the Senate concurred. The bill was then placed among the orders of the day.

Mr Terry from the select committee to whom was referred a bill entitled an act for the better regulation of the State printing, and altering the mode of pay for the same, so that it may be let out to the lowest bidder, reported that the rates at present paid to the State printer are fair, reasonable and just: and that the present mode of paying for the printing is the very best possible mode that could be adopted, and therefore ask leave to be discharged from the further consideration of the bill, believing that it should not be passed. The bill was then placed among the orders of the day.

Mr Terry from the select committee to whom was referred a bill to be entitled, an act in relation to descents and for other purposes, reported that they had amended the same by striking out the words "may have died or" in the fourth line of the fifteenth section. The amendment was concurred in by the Senate, the bill read a second time, and ordered to be engrossed for a third reading.

Mr Hall, from the select committee to whom was referred a bill to be entitled an act concerning a certain turnpike road therein named, reported that they had amended the same as therein shewn, and recommended its passage. The amendment was read, and concurred in by the Senate. The bill was then ordered to be engrossed for a third reading.

Mr King, from the select committee to whom was referred a bill to be entitled an act to change the line between the counties of Tuscaloosa and Pickens, so as to include Miles A. Davidson in the county of Tuscaloosa, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

Mr President laid before the Senate, a communication in relation to the contested election from Sumter county, which, on motion of Mr Hudson, was referred to the committee on privileges and elections.

Mr Reese moved to reconsider the vote taken yesterday on referring a bill to be entitled an act to remove the branch of the Bank of the State of Alabama at Decatur, from its present location, to the committee on the State Bank.

Mr Hudson called for the yeas and nays. Yeas 16—Nays 13.

Those who voted in the affirmative, are Messrs President, Andress, Dailey, Farrar, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton and Wilson of F.

Those who voted in the negative, are Messrs Clarke, Creagh, Jones, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, Turner, Wilson of J. and Womack.

The vote was reconsidered.

The question was then taken on referring the bill to the committee on the State Bank.

Mr Dailey demanded the yeas and nays; which were ordered. Yeas 14—Nays 16.

Those who voted in the affirmative, are Messrs Andress, Creagh, Dailey, Hudson, Jones, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Clarke, Farrar, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton and Wilson of F.

The Senate refused to refer.

Mr Hudson moved to strike out the word 'Talladega,' where it occurs in said bill, and called for the yeas and nays on that motion, which were ordered—Yeas 19—Nays 11.

Those who voted in the affirmative are, messrs Alston, Andress, Creagh, Farrar, Hudson, Jones, King, Lloyd, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Terry, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Clarke, Dailey, Hall, Lea, McAllister, McConnell, Reese, Smith, Thornton, and Wilson of F.

The motion to strike out prevailed.

Mr McVay moved to fill the blank with 'Florence.'

Mr Hall called for the previous question. The question was then 'Shall the main question be now put?'

Mr Hudson called for the yeas and nays. Yeas 25—Nays 6.

Those who voted in the affirmative are, messrs President, Alston, Andress, Clarke, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted in the negative are, messrs Creagh, Jones, Lloyd, Terry, Turner and Wilson of J.

The previous question was sustained.

The question was then taken on ordering the bill to be engrossed, on which the yeas and nays were called for by Mr Hudson. Yeas 19—Nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Dailey, Dent, Farrar, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, Toulmin and Womack.

Those who voted in the negative, are Messrs Clarke, Creagh, Hudson, Jones, Lloyd, McVay, Rice, Rodgers, Terry, Turner, Wilson of F. and Wilson of J.

The bill was ordered to be engrossed for a third reading.

On motion of Mr Reese, a bill to be entitled an act to assist the Montgomery rail road company, was taken from the table, on which motion, Mr Hudson called for the yeas and nays. Yeas 20—Nays 9.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Hudson, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry and Wilson of F.

The bill was taken from the table.

Mr Farrar moved to reconsider the vote taken yesterday on striking out the second section of said bill.

Mr McConnell called for the yeas and nays. Yeas 15—Nays 16.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Creagh, Dailey, Hall, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton and Womack.

Those who voted in the negative, are Messrs Clarke, Dent, Farrar, Hudson, Jones, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The Senate refused to reconsider.

Mr Reese moved to refer the bill to a select committee.

Mr Rice moved to postpone until the twenty-fifth instant.

Mr Hudson called for the yeas and nays. Yeas 14—Nays 17.

Those who voted in the affirmative, are Messrs Clarke, Farrar, Hudson, Jones, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs President, Alston, Andress, Creagh, Dailey, Dent, Hall, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Womack.

The Senate refused to postpone.

The question then recurred on referring to a select committee; which was lost.

Mr Reese then moved to refer the bill to the committee on internal improvement and inland navigation; upon which the yeas and nays were demanded. Yeas 20—Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Creagh, Dailey, Hudson, Hall, Jones, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Dent, Farrar, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner and Wilson of F.

The bill was so referred.

Mr King moved that when the Senate adjourn, it will adjourn until half past three o'clock, this day; which was carried.

Mr Andress introduced a bill to be entitled an act for the relief of Alexander B. Pengrar of Monroe county, which was read a first time, and on motion of Mr Hudson, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with, and the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Terry, from the State Bank committee, to whom was referred the memorial of Nathaniel W. Fletcher, reported a bill to be entitled an act explanatory of an act entitled an act for the extension of debts due the Bank of the State of Alabama and its several branches, the issuance of post notes, and other purposes, approved February 1840, which was read and ordered to a second reading.

Mr Oliver moved to reconsider the vote taken yesterday on refusing to pass a bill to be entitled an act for the relief of James B. Powell, upon which the yeas and nays were demanded. Yeas 20—Nays 11.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Dailey, Hall, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Farrar, Hudson, Jones, King, Lloyd, McVay, Rice, Rodgers and Wilson of J.

The vote was reconsidered.

Mr Hall moved to refer the bill to a select committee; which was carried. Yeas 19—Nays 12. The yeas and nays being desired.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Dailey, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Farrar, Jones, Lloyd, McVay, Rice, Rodgers, Smith, Wilson of F. and Wilson of J.

Messrs Hall, Lea and Reese, were appointed said committee.



Mr Lea asked leave to withdraw the petition of Nathaniel W. Fletcher; which was granted.

On motion of Mr Smith, the Senate then adjourned.

EVENING SESSION, half-after 3 o'clock.

The Senate met pursuant to adjournment, and proceeded to the consideration of the orders of the day.

A bill to be entitled an act to establish an additional precinct in Tallapoosa county, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to explain and define the fees of county court judges, was read the second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

Joint resolutions requiring all accounts against this State, to be submitted to and audited by the Comptroller of Public Accounts, was read a second time, and on motion of Mr Hudson, referred to the committee on accounts and claims.

Engrossed bill to be entitled an act to amend the law in relation to sales at auction in the city and county of Mobile; was read a third time, and on motion of Mr Clarke, was laid upon the table.

Engrossed bills of the following titles, to wit:

An act to compensate Jefferson Buford for sending an express with dispatches in relation to State service to General Wellborn:

An act to fix the salary of the solicitor for the tenth judicial circuit:

An act to incorporate the Warrenton male and female academy, in the county of Dallas:

An act to authorize the tax collector for the county of Monroe, to receive jury certificates in payment of taxes due said county:

An act to incorporate Midway Academy, in the county of Macon:

An act to incorporate a female academy, in the town of Marion, Perry county:

Were severally read a third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to authorize the Bank of the State of Alabama and the several branches thereof, to purchase property at their own sales, was read a third time, and on motion, the further consideration thereof, was postponed until to-morrow, and made the special order for that day.

Engrossed bill to be entitled an act authorizing the purchase and distribution of certain books, was read a third time. The question was then put, 'shall the bill pass;' which was decided in the affirmative. Yeas 19—Nays 10.

Those who voted in the affirmative, are Messrs Alston, Address, Clarke, Creagh, Dent, Hudson, Jones, King, Lea, McAllister, Phillips, Reese, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs President, Farrar, Hall, Lloyd, McVay, Oliver, Rodgers, Ross and Womack.

Ordered, that the title remain as aforesaid, and that it be sent to the House for its concurrence.

Engrossed bill to be entitled an act to reduce the number of Trustees of the University, and to make the judges of the supreme court *ex-officio* members of the board, was read a third time. The question was, 'shall the bill pass;' and the yeas and nays were demanded. Yeas 23—Nays 5.

Those who voted in the affirmative, are Messrs Alston, Address, Clarke, Creagh, Dailey, Dent, Hudson, Jones, King, Lea, Lloyd, McAllister, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. [Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Hall, McVay, Oliver and Ross.

The bill was passed. Ordered, that its title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act for the relief of William Taylor and Abner McGehee, was read a third time.

Mr Hall offered the following amendment: '*Provided*, that the same relief contemplated by this act, shall extend to George Rives and Robert Glenn of Autauga county.'

On motion of Mr Turner, the bill and amendment were referred to a select committee. Messrs Hall, Jones and Turner, were appointed the committee.

On motion of Mr Thornton, the vote refusing to order the bill to be entitled an act to compensate Little and Hopkins, for passage and stores of sixty-four volunteer soldiers of Captain Martin and Taylor's company, from Mobile to Demopolis and Jamestown, on board the steamer, Wanderer, to a second reading, this morning, was reconsidered.

On motion of Mr Hudson, the further consideration of the bill was postponed until Monday, and made the special order for that day.

A bill to be entitled an act to alter the times of holding the circuit courts in the first judicial circuit, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the board of directors of the branch of the Bank of the State of Alabama at Montgomery, to allow the attorney for said branch bank, just and reasonable compensation, was read a second time.

Mr Creagh moved to postpone the bill indefinitely.

Mr Phillips offered the following amendment, to come in after the word, 'compensation,' to wit: 'for closing the unfinished business of the bank, which may remain on hand, when his term of service shall have expired.'

On motion of Mr Dent, the bill together with the amendment, was referred to a select committee. Messrs Oliver, Dent and Womack were appointed the committee.

A bill to be entitled an act better to regulate the securement and collection of debts due the Bank of the State of Alabama and the several branches, was read a second time, and on motion of Mr Thornton, laid upon the table.

A bill to be entitled an act in relation to the commissioners court of Talladega county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act imposing certain duties on the Secretary of State, was read a second time, and on motion of Mr Dent, referred to the committee on the State Capitol.

A bill to be entitled an act for the improvement of the navigation of the Alabama river, was read a second time.

Mr Hall offered an amendment, to the bill as follows, to wit: 'that the sum of ten thousand dollars be appropriated to the cleaning out of the Cahawba river, from Centerville to the town of Cahawba, in Dallas county, and that William C. Henry and Isaac Suttles, be appointed commissioners to superintend the work.' The amendment was lost.

Mr Phillips offered the following amendment: 'the sum of five thousand dollars,' to come in the sixth section, after the word 'banks,' in the thirteenth line; which was adopted.

The question was then upon ordering the bill to be engrossed, and read a third time; which was decided in the affirmative. Yeas 18—Nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Creagh, Dailey, Jones, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are Messrs Clarke, Dent, Farrar, Hall, Hudson, Lloyd, McAllister, McVay, Rodgers, Smith, Wilson of F. and Womack.

Mr Andress moved that the Senate adjourn; which was lost.

A bill to be entitled an act to change the county lines of Pickens and Tuscaloosa, so as to inclose Miles A. Davidson's, in the county of Tuscaloosa, was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Thornton, the Senate then adjourned.

SATURDAY, December 12, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a communication from the Cashier of the branch of the Bank of the State of Alabama, at Decatur, shewing the amount paid to bank attorneys by said bank, since the 2d February, 1839; which, on motion of Mr Hudson, was referred to the committee on the State Bank.

Mr Wilson of J. moved to reconsider the vote taken upon the passage of a bill to be entitled an act authorizing the purchase and distribution of certain books.

On motion of Mr Hudson, the motion to reconsider, was postponed until Monday next.

Mr Terry presented a communication from the Cashier of the branch bank at Huntsville, in relation to fees paid the attorney of said bank; which, on motion of Mr Lea, was laid upon the table.

Mr Rice presented the accounts of W. H. Milner, administrator of the estate of D. Ballard, former sheriff of Morgan county; and H. D. Morrow, late sheriff of said county; which were referred to the committee on accounts and claims.

Mr Wilson of F. from the committee on privileges and elections, to whom was referred a resolution instructing them to inquire into the expediency of so altering the law as to elect representatives to Congress biennially and members of the State Legislature annually, and senators to State Legislature on the first Monday in October, after the term of service for which they have been elected, expires; and also, whether it will not be best for the public weal to elect county officers, viz: sheriffs, clerks, &c. on the first Monday in each year as their term of office expires, reported that it is inexpedient to legislate on the subject; in which the Senate concurred.

Mr McVay from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Autauga county, reported a bill to be entitled, an act to authorize the judge and commissioners of roads and revenue of Autauga, to levy a tax; which was read a first time, and ordered to a second reading.

Mr Dent from the committee on the State capitol, to whom was referred a

bill entitled, an act imposing certain duties on the Secretary of State, reported the same back to the Senate unamended and recommended its passage: the bill was then placed among the orders of the day.

Mr Toulmin from the committee on military affairs, to whom was referred and engrossed bill from the House of Representatives to be entitled, an act to repeal that part of the military law which requires brigade encampment drills and for other purposes, reported that they have amended the same by an additional section.

On motion of Mr Hudson, the bill, together with the amendment, was laid upon the table.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendment made by the Senate to the bills authorizing the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named, and the bill requiring the judge of the county court of Shelby county to reside at or within three miles of the court house.

The House of Representatives has also passed bills of the following titles:

An act more permanently to locate the seat of justice for the county of Monroe; which originated in the Senate.

A bill to establish the permanent seat of justice for the county of Russell; in which the concurrence of Senate is requested.

Engrossed bill from the House of Representatives to be entitled, an act to establish the seat of justice for the county of Russell, was read the first time, and on motion of Mr Ross, the constitutional rule was dispensed with, the bill read a second time, and on motion of Mr Ross, was amended by striking out the word 'who' inserting in lieu thereof the word 'which,' the constitutional rule was further dispensed with, and the bill read the the third time and passed. Ordered, that the title remain as aforesaid.

Mr Toulmin from the committee on military affairs, to whom was referred the petition of sundry citizens of Morgan county, reported that it was inexpedient to grant the prayer of the petitioners and asked that the committee might be discharged from the further consideration thereof; in which the Senate concurred.

Mr Toulmin from the same committee, to whom was referred the petition of the officers of the thirteenth brigade, fifth division of Alabama militia, reported that it was inexpedient to legislate upon the subject, or grant the prayer of the petitioners; in which the Senate concurred.

Mr Hall from the select committee to whom was referred a bill to be entitled, an act for the relief of James R. Powell, reported that they have amended the same by striking out the words 'or any other person,' and thus amended recommended its passage; in which the Senate concurred.

The question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 15—Nays 13.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, Lea, McAllister, McConnell, Oliver, Reese, Smith, Terry, Thornton, Toulmin, Turner, and Womack.

Those who voted in the negative, are Messrs Alston, Address, Dailey, Dent, Farrar, Hudson, King, Lloyd, McVay, Rice, Ross, Wilson of F. and Wilson of J.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.



Mr Oliver from the select committee to whom was referred a bill entitled, an act to authorize the Board of Directors of the Branch Bank at Montgomery, to allow the attorney for said Branch Bank, just and reasonable compensation, reported a substitute for said bill, and recommended its enactment.

Mr Creagh moved to strike out the words 'extra services and.'

Mr Terry moved to lay the amendment on the table; which was carried. Yeas 18—Nays 11.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Rice, Rodgers, Ross, Smith, Terry, Turner, Toulmin, and Wilson of J.

Those who voted in the negative, are Messrs Dent, Hall, King, Lea, McConnell, Oliver, Phillips, Reese, Thornton, Wilson of F. and Wornack.

Mr Lea from the select committee to whom was referred the resolution in regard to the claim of Mark Nicholas of Perry, and the communication of the President of the State Bank, reported a bill and recommended its passage, a bill to be entitled, an act respecting the claim of Mark Nicholas, of Perry county, against the State Bank, was read a first time.

On motion of Mr Lea, the constitutional rule was dispensed with, the bill read a second time, and ordered to be engrossed.

Mr Toulmin from the committee on military affairs, to whom was referred a resolution directing them to inquire into the expediency of abolishing the office of Adjutant and Inspector General, reported that it is inexpedient to legislate upon the subject, and ask leave to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Reese from the committee on retrenchment, to whom was referred a bill to secure a homestead to every family within the State, reported the same back to the Senate without amendment. The bill was then placed among the orders of the day.

Mr Oliver introduced a bill to be entitled, an act to regulate the interest charged by the State Bank and Branches thereof, and for other purposes; which was read the first time, and on motion of Mr Oliver, the constitutional rule was dispensed with: the bill read a second time, and referred to the committee on the State Bank.

Mr Rice introduced a bill to be entitled, an act for the relief of Jethro D. Conway; which was read, and ordered to a second reading.

Mr King introduced a bill to be entitled, an act limiting the application of an act entitled, an act to abolish imprisonment for debt; which was read a first time, and on motion of Mr Hudson, the constitutional rule was dispensed with: the bill read a second time, and referred to the committee on the Judiciary.

Mr Clarke introduced a bill to be entitled, an act for the relief of Spartan Allen; which was read, and ordered to a second reading.

Mr Clarke asked and obtained leave to withdraw the papers in the case of Spartan Allen.

Mr Terry offered the following resolution:

*Resolved by the Senate, That the House of Representatives be respectfully requested to return to the Senate their resolution to adjourn on the 19th instant.*

Mr Lea moved to lay the resolution on the table; which was lost. Yeas 10—Nays 20.

Those who voted in the affirmative, are Messrs Alston, Andress, Creagh, Dailey, Lea, McVay, Oliver, Phillips, Ross, and Wilson of F.

Those who voted in the negative, are Messrs President, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

The question then recurred upon the adoption. The yeas and nays were demanded. Yeas 20—Nays 10.

Those who voted in the affirmative, are Messrs Clarke, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Andress, Creagh, Dailey, Lea, McVay, Oliver, Ross, Wilson of J. and Womack.

The resolution was adopted.

Mr Hudson presented the account of A. R. Thomas, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Smith from the committee on enrolled bills, reported that they examined and found correctly enrolled, a bill to be entitled, an act more permanently to locate the seat of justice for the county of Monroe.

Mr Jones presented the petition of sundry citizens of Sumter county, which was read and referred to a select committee, consisting of Messrs Jones, Thornton, and Phillips.

Mr Lea introduced a bill to be entitled, an act to improve the navigation of the Cahawba river; which was read a first time, and the constitutional rule being dispensed with, was read a second time: the question was then on ordering the bill to be engrossed for a third reading; which prevailed. Yeas 23—Nays 7.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Dent, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Smith, Terry, Thornton, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Dailey, Farrar, Hudson, Rice, Rodgers, and Womack.

Mr Hall from the select committee, to whom was referred a bill to be entitled, an act for the relief of William Taylor and Abner McGehee, reported that they had amended the same as therein shown, by way of engrossed ryder, and recommended its passage: the amendment was concurred in and the bill passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Mr Womack introduced a bill to be entitled, an act to appoint a justice of the peace in the town of Troy, in the county of Pike; which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to secure the fees of certain officers in the county of Mobile; which was read, and ordered to a second reading.

On motion of Mr Andress, a bill to be entitled, an act for the relief of Alexander B. Puryear, of Monroe county, was taken from the orders of the day: the bill was then read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent forthwith to the House of Representatives for their concurrence.

On motion of Mr Toulmin, a bill to be entitled an act to amend the law in relation to sales at auction, in the city and county of Mobile, was taken from the table.

Mr Toulmin moved to fill the blank in said bill with the word 'three,' which was lost.

Mr Phillips moved to fill the blank with 'two and a half;' which was carried.

The bill as amended, was then read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled an act to ascertain and fix permanently, the line between the counties of Madison and Jackson, was read a third time and passed. Ordered, that the title remain unchanged, and that it be sent to the House of Representatives for its concurrence.

Joint resolutions, requiring the cashier of the Bank of the State of Alabama not to pay certain drafts therein specified, was read a third time, and on motion of Mr McConnell, ordered to lie upon the table.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act for the relief of Benjamin C. Lansdale, of the county of Henry:

An act permanently to locate the seat of justice of Marshall county, and for other purposes, were each read a third time and passed. Ordered, that their titles remain unchanged, and that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act for the benefit of sixteenth section, township two, range six west, in Limestone county, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to establish the general ticket system, in elections for Representatives in Congress from the State of Alabama, was read a third time, and on motion of Mr Turner, the further consideration thereof was postponed until Thursday next, and made the special order of that day.

Engrossed bill to be entitled an act for the better regulation of the State printing, and altering the mode of paying for the same, so that it may be let out to the lowest bidder, was read a third time.

Mr Lea offered the following amendment, by way of engrossed rider, to wit: 'and there shall be no alteration in the bids, or offers, after the sealed proposals are opened, and the Secretary shall act according to the directions in this act; and all printing to be done for the State after the opening of the proposals, shall be done by the said lowest responsible bidder;' which was adopted.

Mr Dent moved to postpone the further consideration of the bill until Wednesday next; which was lost.

The question then recurred upon the passage of the bill; which was lost. Yeas 14—Nays 16.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, McConaell, McVay, Oliver, Phillips, Ross, Thornton, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh,

Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Rice, Rodgers, Smith, Terry, Toulmin, Turner and Wilson of J.

Mr McConnell moved to adjourn; which was lost.

On motion of Mr Terry, the orders of the day were suspended.

Mr Terry introduced a bill to be entitled an act to incorporate the Sylvania male and female academy, in the county of Limestone; which was read a first time, and on motion, the constitutional rule was dispensed with, and the bill was read a second time, and on motion of Mr Terry, referred to the committee on education.

Mr Turner offered the following resolution:

*Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of fining any Senator who in argument, will affiliate to the political party of another, which on motion of Mr Terry, was laid upon the table.

On motion of Mr Phillips, the Senate then adjourned.

MONDAY, December 14, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of Gertrude Tankersly, the reading of which was dispensed with, and on motion, referred to the committee on divorce and alimony.

Mr McConnell presented the account of William Campbell, which was referred to the committee on Indian expenditures.

Mr Rice presented a communication from the cashier of the Branch Bank at Decatur, the reading of which was dispensed with, and on motion, referred to the committee on the State Bank.

Mr Hudson from the committee on Federal relations, to whom was referred the joint resolutions, authorizing and requiring the Comptroller of Public Accounts to proceed to Washington city, for the purpose of urging and collecting all claims upon the United States, growing out of the late Indian disturbances in this State, embracing claims already allowed by this State, as well as all claims now before this Legislature, and not yet allowed, with full power to receipt and adjust the same; and that the sum of one thousand dollars be allowed to said Comptroller for the above services, reported the same back to the Senate without amendment, and recommended its passage. The resolutions were placed among the orders of the day.

Mr Hudson from the same committee, to whom was referred the resolutions from the State of Maine, in relation to the Northeastern boundary, reported to the Senate, joint resolutions of the General Assembly of the State of Alabama, in response to certain resolutions of the State of Maine, in relation to the Northeastern boundary question; which on motion of Mr Hudson, were laid upon the table.

Mr Hudson from the same committee, to whom was referred the address of the citizens of Georgetown, District of Columbia, made the following report:

Your committee have considered the resolutions and orders of a meeting of the citizens of Georgetown, District of Columbia, called on the 23d July, 1840. These resolutions ask a retrocession of Georgetown to the State of Maryland, on the ground, that Congress has repaid their great personal and political sacrifices, in yielding their rights of self government, by indignity, insults, wrongs and oppressions.

It appears to your committee, that when the act of cession of the State of



Maryland was passed, the inhabitants of Georgetown agreed to yield their right of self government, in the hope of reaping great personal and pecuniary benefits by the change; and that expectation has been realized, by the city of Georgetown, to a degree unexampled in the annals of our country.

It appears to your committee, that since the act of cession was passed by Maryland, Congress has, for the benefit of Georgetown, confirmed the corporate charter granted that city by the State of Maryland; that she has further released the citizens of Georgetown from the payment of all taxes, excepting only such as are levied for the support of her city government, which rates are raised and fixed by the corporation itself; that Congress has been most liberal to the citizens of Georgetown, in granting charters of all sorts, for the benefit and interest of the city; that they have incorporated within the limits of the District, the Chesapeake and Ohio canal, one termination of which is at Georgetown; and that they have subscribed over one million of dollars, for expediting and completing that work; that they have purchased an incorporated toll bridge over the Potomac above Georgetown; that they have made it, for the benefit of Georgetown, a free bridge, and given it to that city; that they have chartered literary institutions in the city of Georgetown; and have liberally endowed them, without bonus or reward, turnpike companies, banks and other institutions; and have chartered and subscribed largely, to a canal, to connect Georgetown and Alexandria; that they formerly chartered, for the inhabitants of Georgetown, without bonus or reward, a large bank, with great powers; that they also became stockholders and depositories in it; and by the mismanagement of the directors, it became insolvent, and the General Government lost thereby, about half a million of dollars; that Congress has assumed a large corporation debt of Georgetown, amounting to one quarter of a million of dollars, thereby relieving her citizens from ruinous liabilities, brought on by her own mismanagement and folly, and justly enhancing the value of property in that city; that the Bank, about refusal to re-charter which, the committee of the citizens of Georgetown now complain, has been continued in existence, and prolonged from season to season, by the kindness of Congress, for near a dozen of years, since its first limitation expired; that it has never paid any equivalent to Congress, for the extraordinary powers with which it was endowed; that it has of late, twice suspended specie payments, though declaring its ability to have gone on, if it had chosen to do so. The last time it suspended, was after its charter had been prolonged by Congress, on the condition of its resuming. It did resume, and immediately after again suspended.

It appears to your committee, this meeting was called by twenty-two citizens of Georgetown, all of whom, as far as they can learn, are opposed in politics to the present administration, and for purposes evidently political and factious; that the indignity, insults, wrongs and oppressions of which they complain, are comprised in the refusal of Congress, further to prolong the existence of the rotten, dishonest and corrupt institution, last above alluded to, than to give it time to wind up its affairs.

Your committee will further report, that it does not appear that this meeting expresses the opinions of either a majority of the citizens of Georgetown, or of the free white male inhabitants over the age of twenty-one years, living in that city.

Your committee are unable to see wherein the late Congress have wantonly and wickedly, as charged in the resolutions purporting to have been adopted by the citizens of Georgetown, District of Columbia, or done any act calcula-

ted to oppress them, unless it be in their refusal to grant and perpetuate to the citizens of that city, exclusive and extraordinary privileges. such as the citizens of no other State or Territory have had the hardihood to ask; much less, to demand as a right.

Your committee, however, cannot see any objection that the State of Alabama can interpose to the desired retrocession of the citizens of Georgetown to the State of Maryland, provided said citizens refund to the General Government the amount of money which they have heretofore received, in consideration of the great and extraordinary personal and political sacrifices to which they allude in the first resolution, therefore, your committee recommend the adoption of the following resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in the Congress of the United States be instructed, and our Representatives requested, to favor the retrocession of so much of the District of Columbia, as embraces the city of Georgetown in said District, upon the payment of such sum or sums of money as they may have received from time to time, from the Congress, in consideration of their voluntary surrender of all representation, save that of the Congress of the United States, and that the Governor of this State be requested to forward a copy of this report and resolution, to each of our Senators and Representatives in Congress, and one to the chairman of the said Georgetown meeting.

Mr Alston moved to lay the report and resolution on the table; which was lost. Yeas 11—Nays 18.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, Oliver, Phillips, Ross, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Alston moved to postpone the report and resolution until Monday next; which was lost.

Mr King moved to amend the resolution by striking out the following words, to wit: 'upon the payment of such sum or sums of money as they may have received from time to time, from Congress;' which was lost. Yeas 11—Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, Oliver, Phillips, Ross, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Jones moved to postpone until Friday next; which was lost.

The question then recurred upon concurring in the report made by the committee; which prevailed. Yeas 18—Nays 12.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dailey, Dent, Jones, King, Lea, Oliver, Phillips, Ross, Thornton and Womack.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed a bill to be entitled an act for the relief of Alexander B. Puryear, which originated in the Senate;

and has concurred in the amendments made to the bill to establish a permanent seat of justice for the county of Russell. I am also directed by the House of Representatives to return to the Senate the resolution which originated in the Senate to adjourn on the 19th instant.

On motion of Mr Hudson, the message was laid upon the table.

Mr Hudson, from the committee on federal relations, to whom was referred the preamble and resolutions of the State of Connecticut, reported a preamble and joint resolutions of the following title, to wit: Preamble and joint resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy.

Mr Lea moved to amend the resolutions by inserting the word 'unanimously' after the word 'resolved;' which was adopted.

The report of the committee was then concurred in, and the resolutions unanimously adopted.

Mr Thornton, from the same committee, to which was referred certain resolutions from the Legislature of the State of Kentucky, reported to the Senate a preamble and joint resolutions, of the following title, to wit: Preamble and joint resolutions of the Senate and House of Representatives of the State of Alabama in answer to the resolutions of the State of Kentucky, in relation to the distribution of the proceeds of the public lands, among the several States.

On motion of Mr Alston, the report together with the preamble and resolutions, was postponed until Friday next, and made the special order for that day.

Mr Terry, from the committee on the State Bank, to which was referred joint resolutions authorizing the branch bank at Decatur, to compromise with the securities of George Swink & Co. reported that the further consideration of the resolutions has been superseded by a bill now in progress; which on motion, was laid on the table.

Mr Terry, from the same committee, to whom was referred a bill to be entitled an act for the relief of the Florence Bridge company, reported the bill back to the Senate and recommended its passage; which was placed among the orders of the day.

Mr Creagh, from the committee on State printing, to which was referred the account of Messrs Hale & Eaton, for printing done up to the seventeenth of October, 1840, reported that they had compared the account with the vouchers filed in the office of the Comptroller, and find them correctly stated; which was laid upon the table.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act for the relief of Alexander B. Puryear, of Monroe county.

Mr Toulmin, from the committee on military affairs, to whom was referred a resolution instructing them to inquire into the expediency of repealing the fifth section of the ninth chapter of the military code, reported that the subject referred to by the resolution is embraced in a bill now before the Senate, and asked leave to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Toulmin, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of abolishing brigade encampment drills, so far as relates to the third brigade, seventh division of Alabama militia, reported that the subject referred to in the resolution, is embraced in

a bill now before the Senate; and asked leave to be discharged from the further consideration of the subject; which was granted.

Mr Toulmin, from the same committee, to which was referred a bill to be entitled an act to abolish brigade encampments, so far as relates to the third brigade, seventh division of Alabama militia, reported the same back to the Senate, and asked to be discharged therefrom, as the provisions of the bill are embraced in a general bill now before the Senate; in which the Senate concurred.

Mr Creagh, from a select committee, to whom was referred a bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, approved, January 26, 1839, reported the same back to the Senate amended as therein shewn, and thus amended recommended its passage.

Mr Lea moved to amend the amendment of the committee by inserting 'the third Mondays in March and September in each year, and continue in session one week,' to come in after the word Marion, in Perry county; which was adopted.

Mr Alston moved the following amendment: strike out 'Eutaw in the county of Greene,' in the sixth district, fourth section of the bill, middle division,' and insert, 'Demopolis, in the county of Marengo,' in lieu thereof: which was lost.

Mr Hall moved further to amend, by inserting the words following, to wit: in the second district, in the middle division, strike out, 'the second Mondays in March and September,' and insert 'fourth Mondays in February and August;' which was adopted.

On motion of Mr Phillips, the words 'May and November,' were stricken out from the fourth section, and 'April and October' inserted in lieu thereof.

Mr Dailey moved further to amend with the following, in the third section after the word 'Russell,' in the fifteenth line, insert 'Tallapoosa,' and omit 'Tallapoosa' in the second district, and put the word 'and' between Autauga and Coosa; which was lost.

Mr Dailey moved further to amend by striking out 'Lafayette in Chambers county' and insert 'Tuskegee in Macon county;' which was also lost.

The question then recurred upon the adoption of the amendments, as reported by the committee; which was carried. Yeas 24—Nays 6.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rodgers, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Dailey, Oliver, Rice, Ross, Smith, and Wilson of J.

The question was then taken on ordering the bill as amended, to be engrossed for a third reading; which was decided in the affirmative. Yeas 18—Nays 11.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dent, Hudson, Hall, Jones, King, Lea, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, and Wilson of F.

Those who voted in the negative, are Messrs Alston, Dailey, Farrar, McAllister, McVay, Rice, Ross, Smith, Terry, Wilson of J. and Womack.

The bill was ordered to be engrossed.

Mr King from the select committee, to whom was referred the preamble and resolutions on the right of instruction in the constituency, and the duty of the



representative to obey and reflect the will of his constituents, reported the same back to the Senate.

The resolutions were placed among the orders of the day.

Mr Reese from the committee on retrenchment, to whom was referred a resolution inquiring into the expediency of repealing the law establishing boards of physicians, reported that in the opinion of the committee it is wholly inexpedient: in which the Senate concurred.

Mr Jones from the select committee, to whom was referred the petition of sundry persons of township twenty-two, range three, west, in the county of Sumter, reported a bill to be entitled, an act to authorize the reeinding a certain contract therein named; which was read a first time: the constitutional rule being dispensed with the bill was read a second time, and ordered to be engrossed for a third reading.

Mr Lea from the committee on the judiciary, to whom was referred a bill to be entitled, an act to regulate damages in the supreme, circuit, and county courts, reported the same with sundry amendments and recommended its passage first amendment complete the enacting clause 'by the Senate and House of Representatives in General Assembly convened,' second amendment, strike out the word 'five' and insert 'ten' in the seventh line first section. A division of the question was called for; which was first taken upon the adoption of the first amendment proposed; which prevailed: next upon the adoption of the second amendment, which was lost. Yeas 11—Nays 17.

Those who voted in the affirmative, are Messrs Alston, Clarke, Dent, Farrar, Hudson, Jones, Lea, McAllister, Phillips, Thornton, and Turner.

Those who voted in the negative, are Messrs President, Andress, Creagh, Dailey, Hall, King, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Terry, Toulmin, Wilson of F. Wilson of J. and Womack.

The bill was then ordered to be engrossed for a third reading.

Mr Thornton from the committee on the judiciary, to which was referred a bill to be entitled, an act regulating the fees of bank attorneys on collections from purchasers of sixteenth sections, reported the same back to the Senate without amendment, and recommended its passage: the bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act regulating the sales of constables, reported the same back to the Senate without amendment, and that it is not expedient to pass the same: the bill was put among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to authorize a stay of execution in certain cases, reported the same to the Senate without amendment, and that it is inexpedient to pass the same: the bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to amend the law in relation to judicial proceedings, reported a substitute therefor; which was adopted, and read a second time, and ordered to be engrossed for a third reading.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law prohibiting under severe penalties, the farther introduction of slaves into this State, reported that it is inexpedient to pass such a law: the quantity of fertile lands in our State, now unproductive for want of labor to reduce them to cultivation, the

great value of slave property to our citizens whose interest, whose desire, and whose clear right it is, as well to acquire by purchase, as to hold such property: induce your committee to recommend that we abstain from any interference with this long established course of trade between the slave holding States; and that as to any danger from that species of property, perhaps not the least effectual way to produce it, is an indiscreet and public avowal of its apprehension.

In which the Senate concurred.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of repealing the law now in force authorizing the appointment of public weighers in this State, reported that it is inexpedient to repeal the same.

On motion of Mr McConnell it was ordered to lay upon the table.

Mr Thornton from the same committee to which was referred a resolution instructing them to inquire into the expediency of changing the law in relation to the election of harbor master and port wardens for the port and harbor of Mobile, reported that it is inexpedient to alter the present law on the subject. The mayor and aldermen of the city, have now the appointment of those officers and perhaps the interest of all concerned in the faithful and impartial discharge of their duties, may as well be served by that mode of appointment, as by any other which has suggested itself.

On motion of Mr Foulmin it was ordered to lay upon the table.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the law as that plaintiffs in actions for damages to be compelled to give security for costs of suit, &c. reported that it is inexpedient to amend the law in the particular referred to.

On motion of Mr Turner the report was ordered to lay upon the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to amend the laws in regard to limitations of actions, reported the same back to the Senate, with the following amendment, viz: that the words 'and be prosecuted to a decree,' be stricken out at the end of the first section, with which amendment they recommended the passage of the bill: the amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr Thornton from the same committee: to which was referred a bill to be entitled, an act concerning deeds, reported the same back to the Senate, with the expression of their opinion that it is not expedient to enact the same as long as there is any difference in the obligation of contracts depending upon there being deeds or simple contracts, not under seal, it is not competent by retrospective legislation to alter their nature; all contracts now in existence, must be construed by the existing laws.

The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to repeal so much of the venue law of this State, as relates to criminal cases, reported the bill back to the Senate with the expression of their opinion, that it is inexpedient to pass the same: to deny a change of venue in any case whatever might have the effect in some cases, of sacrificing an innocent person, to even the honest prejudices of a community, in others to the malice and overpowering influence of a prosecutor, whose means and extensive

connections could not be withstood by an humble citizen. The interests of the State are now so guarded that the acquittal of guilty persons can, in hardly any case, be attributable to a change of venue; it can only be done on good and sufficient cause, supported by affidavit, only once in the same cause, and then to none but an adjoining county, to that in which the offence is supposed to be perpetrated.

The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act in relation to the sixteenth section in township ten, of range five, in the county of Wilcox, reported the same to the Senate and recommended its passage. The bill was put among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to explain an act, entitled an act to appoint administrators in certain cases, reported the same back to the Senate. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to amend an act to incorporate the Fireman's Insurance Company of Mobile, reported the same back to the Senate with the following amendment, by way of proviso, at the end of the third and last section in the bill, viz:

*Provided*, That this act be of no force and effect until the stockholders shall give their consent to the alteration proposed in their charter by this act.

The amendment was adopted, and the bill read a second time, and ordered to a third reading.

Mr Terry from the State Bank committee, to which was referred a bill to be entitled, an act to create a sinking fund for the redemption of the five per cent. bonds issued by the State of Alabama, reported that they have amended the same by adding to the end of the fifth section, the words 'within the first week of the session;' also, an additional section and proviso—and thus amended, recommended its passage. The amendments of the committee were adopted, and the bill ordered to be engrossed for a third reading.

Mr President laid before the Senate the following communication:

UNIVERSITY OF ALABAMA, }  
December 14, 1840. }

*President and Senate of the State of Alabama:*

GENTLEMEN:—It is my duty to communicate to you the fact that, the tenth annual commencement of the University of the State, will be celebrated in the Rotunda on Wednesday, December sixteenth, the exercises to begin at ten o'clock, A. M.

In the name of the authorities of the University, I hereby respectfully invite your attendance on the commencement, as a body.

Respectfully, &c.

B. MANLY,

*President U. of Alabama.*

The communication was laid upon the table.

On motion of Mr Terry,

*Resolved by the Senate*, That the members of the same, in a body, will attend the annual commencement of the University of this State on Wednesday next, the sixteenth instant, unless some providential, or other good cause, should intervene.

On motion of Mr McConnell,

*Resolved*, That the State Bank committee be instructed to enquire into the expediency of winding up the Branch of the Bank of the State of Alabama at Mobile, with leave to report a bill covering the premises, if deemed expedient.

Mr Dailey introduced a bill to be entitled an act to change the time of holding the county court of the county of Tallapoosa, which was read and ordered to a second reading.

Mr Terry introduced a bill to be entitled an act to amend an act to raise a school fund to aid the valueless sixteenth sections in this State, which was read the first time, the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, the bill was read a second time forthwith. On motion of Mr Terry, the bill was then referred to the committee on education.

Mr Rice introduced a bill to be entitled an act to levy a special tax for the county of Morgan, which was read the first time, the constitutional rule being dispensed with, the bill was read a second time and ordered to be engrossed for a third reading.

Mr Creagh introduced a bill to be entitled an act to establish a private way for H. J. Y. Moss, to the landing on the Tombeckbee river, in the county of Washington, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act for the benefit of Henri Hottenger, which was read and ordered to a second reading.

On motion of Mr Rice,

*Resolved*, That the committee on the State Bank be instructed to enquire into the expediency of passing a law to authorize the President and Directors of the Branch of the Bank of the State of Alabama at Decatur, to burn two hundred thousand dollars of post notes, which have been redeemed and cancelled in the City of New York, and duly registered by said branch bank; and that they have leave to report by bill or otherwise.

Mr Cottrell introduced a bill to be entitled an act concerning the duties of the Presidents and Directors of the State Bank and Branches, which was read a first time, the constitutional rule being dispensed with, the bill was read a second time, and referred to the committee on the State bank.

Mr Clarke moved that when the Senate adjourn, it will adjourn to half past three o'clock this evening, which was carried.

On motion of Mr McConnell, the Senate then adjourned.

EVENING SESSION, half past 3 o'clock.

The Senate met pursuant to adjournment.

Engrossed bill to be entitled an act to authorize the Bank of the State of Alabama and the several branches thereof, to purchase property at their own sales, being the special order of the day, was read a third time.

Mr Phillips moved an amendment by way of engrossed rider: "Provided that any time within twelve months after such sale and purchase by the bank of any such real-estate, sold under any such debt due said bank or branch, the defendant in all such cases shall be privileged to come forward upon payment of principal, interest and all costs, the said bank or banks shall relinquish all claim to said real estate so sold and purchased;" and "Provided further, that no real or personal estate which may be purchased by said bank or any of its branches, according to the provisions of this act, shall be held by them or either of them, for a longer period than two years from the date of the purchase."



Mr Phillips accepted the following to come in at the end of the first proviso, "unless the bank or branch bank shall have disposed of the property before the defendant shall make application to redeem."

Mr Hudson called for a division of the question.

Mr Creagh offered an amendment to the first proviso: "Provided, further, that the bank after receiving principal, interest and costs, shall return any money that may be over the amount necessary to discharge the same; which was adopted.

On the adoption of the second proviso, the yeas and nays were demanded. Yeas 12—Nays 17.

Those who voted in the affirmative are, Messrs Alston, Andress, Jones, King, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Thornton and Turner.

Those who voted in the negative are, Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Hudson, Lea, Lloyd, McAllister, McConnell, McVay, Rice, Toulmin, Wilson of F. and Womack.

The amendment was lost.

Mr Rice offered an amendment to the bill, to wit: "Provided also, that all persons whose lands are sold by virtue of any execution, shall have a right to redeem such lands within two years from the date of sale, upon the payment of the debt, costs and interest;" which was lost.

Mr Turner offered the following amendment to come in at the end of the bill, viz: "All personal property purchased under the provisions of this act, shall be disposed of within sixty days after purchase of the same, for cash, or upon such time as may be thought best by the President and Directors of such bank as shall be the owners of such property;" which was lost.

The question was, "Shall the bill pass?"

The yeas and nays were demanded. Yeas 24—Nays 6.

Those who voted in the affirmative are, messrs President, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, McConnell, McVay, Oliver, Phillips, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Dailey, Hall, Lloyd, Rice and Smith.

The bill passed. Ordered that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

The vote passing a bill to be entitled an act authorizing the purchase and distribution of certain books was reconsidered. The motion to reconsider having been postponed till to day, Mr Hall offered an amendment, to wit: "Provided, that the books contemplated to be purchased under the bill, shall not exceed three dollars per volume.

On motion of Mr Hudson, the bill and amendment was referred to a select committee. Messrs Hudson, Thornton and Alston, were appointed said committee.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed a bill to change the times of holding the circuit courts of the second judicial circuit, amended as therein shewn.

On motion of Mr Phillips the amendments were concurred in.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to establish the permanent seat of justice for the county of Russell:  
An act making appropriations for the payment of certain claims against the State.

A bill which had been postponed until to day, entitled an act to compensate Little & Hopkins for passage and stores of sixty-four volunterr soldiers of Captain Martin and Taylor's companies, from Mobile to Demopolis and Jamestown, on the steam boat Wanderer, was read a second time.

Mr Hall offered an amendment, to wit: '*Provided*, that the claim of Thomas T. Gamage be allowed for nine hundred and thirty dollars;' on the adoption of which the yeas and nays were demanded. Yeas 14—Nays 16.

Those who voted in the affirmative, are Messrs President, Address, Creagh, Hall, Hudson, Jones, King, Lea, Phillips, Rodgers, Ross, Smith, Turner and Womack.

Those who voted in the negative, are Messrs Alston, Clarke, Dailey, Dent, Farrar, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Terry, Thornton, Toulmin and Wilson of F.

The amendment was lost.

The question was then upon ordering the bill to be engrossed and read a third time. Yeas 17—Nays 12.

Those who voted in the affirmative, are Messrs Address, Clarke, Creagh, Dailey, Dent, Hudson, King, Lea, McAllister, McConnell, McVay, Oliver, Terry, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Farrar, Hall, Jones, Lloyd, Phillips, Reese, Rice, Rodgers, Ross, Smith and Turner.

The bill was ordered to be engrossed,

On motion of Mr McConnell the Senate adjourned.

TUESDAY, December 15, 1840.

The Senate met pursuant to adjournment.

Message from his Excellency, the Governor, by his private secretary:

EXECUTIVE DEPARTMENT, }

Tuscaloosa, December 15, 1840. }

Sir—I have the honor to inform the Senate that a vacancy has occurred in the office of judge of the county court of Tallapoosa county, by the resignation of the honorable Irwin Lawson; late judge of the county court.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

Mr President laid before the Senate a communication from the cashier of the branch bank at Decatur, the reading of which was dispensed with, and on motion of Mr Hudson, referred to the committee on accounts and claims.

Mr Reese presented the account of P. T. Richardson; which was referred to the committee on accounts and claims.

Mr Smith, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to authorize the tax collectors of the counties of Marshall, Chambers and Talladega, to receive jury certificates in payment of taxes due said counties.

A bill to be entitled an act to attach a part of Morgan to the county of Marshall:

A bill to be entitled an act to compel county treasurers to make a full and explicit exhibit of the finances of their respective counties, in each and every year:

Also, a joint resolution in relation to the supreme court decisions.

Mr Hudson, from the committee on accounts and claims, to whom was referred a joint resolution compelling all accounts against the State to be submitted directly to the comptroller of public accounts, for the purpose of auditing the same, reported the same as inexpedient, and ought not to pass, inasmuch as the law amply provides for such things now. The committee asked to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Hudson, from the same committee, to whom was referred the claim of David L. Hutto, former sheriff of Henry county, reported that it is the opinion of the committee the account was not chargeable to the State; and thereupon asked leave to be discharged from its further consideration; in which the Senate concurred.

Mr McAllister asked and obtained leave to withdraw the account of David L. Hutto.

Mr Hudson, from the same committee, to whom was referred the petition of James Thompson of Chambers county, for services rendered said county, in organizing the same, reported that in the opinion of the committee, it ought not to be allowed; therefore asked to be discharged; in which the Senate concurred.

Mr Hudson, from the same committee, to whom was referred a bill from the House of Representatives, to be entitled an act making appropriations for certain claims against the State, reported the same back to the Senate with the following amendment, to wit: strike out after the word 'district,' in the seventeenth line. The amendment was concurred in by the Senate, the constitutional rule dispensed with, the bill read a third time and passed. Ordered, that the title remain unchanged, and that it be sent to the House for its concurrence.

Message from the House of Representatives, by Mr Phelan:

Mr President—I am instructed by the House of Representatives to inform the Senate that Robert A. Baker, Esq. has been elected Speaker of the House of Representatives, to fill the vacancy occasioned by the resignation of the Hon. Samuel Walker.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles, which originated in the Senate:

An act for the relief of — Powell, as therein shewn:

An act to alter and amend the law respecting dower, amended as therein shewn:

The House has also passed bills of the following titles, which originated in the House:

An act to incorporate the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal church, in the county of Dallas:

An act to declare the west prong of the Choctawhatchie creek a public highway:

An act to provide for the election of sheriffs in certain cases, amended:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties.

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its several branches:

An act to regulate the proceedings in the courts of chancery in this State:

An act to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of pedlers and shows:

In which the concurrence of the Senate is requested.

The question was then taken upon concurring in the amendment by the House to the bill to be entitled and act to alter an amend the law in relation to power, which was to strike out 'three' and insert 'twelve months' in the line next to the last in said bill; which was adopted. Yeas 17—Nays 14.

Those who voted in the affirmative, are Messrs Andress, Farrar, Hall, Jones, Lloyd, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Hudson, King, Lea, McAllister, Oliver, Phillips, Wilson of F. and Womack.

The question was then taken upon the adoption of the amendment made by the House to the bill to be entitled an act for the relief of — Powell, which was to fill the blank in said bill with the word 'Mary;' which was adopted. Ordered, that the House be made acquainted therewith.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to declare the west prong of Choctawhatchie river a public highway:

An act to regulate the practice in the courts of chancery in this State:

An act to incorporate the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal church, in the county of Dallas:

An act to provide for the election of sheriffs in certain cases:

Were severally read and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of pedlers and shows, was read a first time, and the constitutional rule being dispensed with, was read a second time forthwith, and on motion of Mr Hudson, referred to the committee on propositions and grievances.

Engrossed bill from the House of Representatives to be entitled an act in relation to bonds given by the officers of the Bank of the State of Alabama and its several branches, was read a first time, and on motion of Mr Phillips, the constitutional rule was dispensed with, and the bill read a second time forthwith, and on motion, referred to the committee on the State Bank.

Mr Toulmin, from the committee on military affairs, to whom was referred the return of the adjutant and inspector general, reported the same back to the Senate; which, on motion of Mr Toulmin, was ordered to lay upon the table.

Mr Toulmin, from the same committee, to whom was referred the communication of J. C. Vandyke, Esq. Comptroller of Public Accounts, which was called for by a resolution of the Senate, reported the same back to the Senate; which, on motion, was ordered to lay upon the table.

Mr Toulmin, from the same committee, to whom was referred so much of the Governor's message as relates to military affairs, reported the same back to the Senate, as unnecessary to be legislated upon, since the subject referred to has already received the action of the Senate, and asked to be discharged from the further consideration thereof; in which the Senate concurred.



Mr Terry presented the petition of the commissioners court of roads and revenue of Limestone county, the reading of which was dispensed with, and on motion, referred to the committee on the judiciary.

On motion of Mr Jones, a bill to be entitled an act supplementary to the attachment law of this State, to authorize attachments to issue on mortgages, deeds in trust, &c. in certain cases.

On motion of Mr Hudson, a bill to be entitled an act to repeal that part of the military law, which requires brigade encampment drills and for other purposes, was ordered to be taken from the table and placed among the orders of the day.

On motion of Mr Dent, a resolution proposing to go into the election of a State printer was taken from the table.

On motion of Mr Rodgers, the resolution was amended by inserting Thursday the 17th inst. The resolution as amended, was then adopted.

A message from his Excellency the Governor, by his private secretary:

EXECUTIVE DEPARTMENT,

*Tuscaloosa, December 15, 1840.* }

SIR—In obedience to a resolution of the Board of Trustees, unanimously adopted, I have the honor to invite you, and the members of the body over which you preside, to attend the commencement exercises of the University of Alabama, to-morrow at 11 o'clock, A. M.

A. P. BAGBY, President of the Board of Trustees.

To the Hon. J. L. F. COTTRELL, President of the Senate.

On motion of Mr Lea, the message was laid upon the table.

The Senate then proceeded to the consideration of the orders of the day.

The question before the Senate, was upon the adoption of the amendment heretofore offered by Mr Phillips to the bill to be entitled an act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington, in said county, and for other purposes. The amendment was adopted, and the bill read the second time, the constitutional rule dispensed with, read a third time, and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to authorize the directors of the Florence bridge company to establish rules, was read a third time.

Mr Hudson moved to fill the blank in said bill, with 'twenty-five,' which was lost.

Mr McVay moved to fill it with 'twenty,' which was lost.

Mr Hudson moved to fill it with 'ten,' which was carried.

The question was then put 'shall the bill pass?' which was carried. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to establish and abolish certain election precincts, was read a third time and passed. Ordered, that the title remain unchanged, and that it be sent to the House of Representatives, for their concurrence.

Engrossed bill to be entitled an act in relation to descents, and for other purposes, was read a third time, and on motion of Mr Toulmin, postponed until Thursday next, and made the special order for that day.

Engrossed bill to be entitled an act to alter the times of holding the circuit courts in the first judicial circuit, was read a third time and passed. Ordered,

that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled, an act to remove the Branch of the Bank of the State of Alabama, at Decatur, from its present location, was read a third time.

Mr Phillips moved to amend by an additional section; which was carried.

Mr Terry moved to postpone the bill indefinitely; which was lost. Yeas 12—Nays 19.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Lloyd, McVay, Rice, Rodgers, Terry, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dailey, Dent, Farrar, Hall, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, Toulmin, and Womack.

Mr Wilson of J. moved a reconsideration of the vote taken upon the adoption of Mr Phillips' amendment; which was refused.

Mr Hudson moved to postpone the further consideration of the bill until half after three o'clock this evening; which was lost.

On motion of Mr Lea, the Senate then adjourned until half after three o'clock this evening.

#### AFTERNOON SESSION, half past three o'clock.

The Senate met pursuant to adjournment.

The bill to be entitled, an act to remove the Branch of the Bank of the State of Alabama, at Decatur, from its present location, being under consideration.

Mr Wilson of J. moved to postpone the bill until the thirtieth of this instant, and the yeas and nays were demanded. Yeas 14—Nays 18.

YEAS—Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

NAYS—Messrs Alston, Address, Buford, Dailey, Dent, Hall, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, and Womack.

The Senate refused to postpone the bill.

Mr McConnell moved the reference of the bill to a select committee, upon which the yeas and nays were demanded. Yeas 8—Nays 24.

Those who voted in the affirmative, are Messrs Clarke, Creagh, Dent, Hall, Lloyd, McConnell, Smith, and Terry.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Dailey, Farrar, Hudson, Jones, King, Lea, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Hudson moved to fill the blank with Tuscumbia.

Mr Phillips called for the previous question; which was lost. Yeas 15—Nays 17.

Those who voted in affirmative, are Messrs Alston, Address, Buford, Dailey, Dent, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, and Womack.

Those voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lea, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The question then recurred upon the motion of Mr Hudson to fill the blank with Tuscumbia; which was lost. Yeas 3—Nays 29.

Those who voted in the affirmative, are Messrs Hudson, Rodgers, and Wilson of F.

Those who voted in the negative, are Messrs President, Alston, Andres, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Mr McVay moved to fill the blank with Florence, in Lauderdale county; which was lost.

Mr Cottrell moved to fill the blank with Wetumpka; which was lost. Yeas 6—Nays 26.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, Reese, and Smith.

Those who voted in the negative, are Messrs Alston, Andres, Buford, Dailey, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Lea moved to refer the bill to a select committee, consisting of the Senators from the counties of Autauga, Sumter, Talladega, and Barbour, with instructions to report a substitute withdrawing one half of the capital stock of the Branch Bank, at Decatur, and establishing a branch or office of discount and deposit at some point in South Alabama, leaving the point of location blank, until reported to the Senate.

Mr Hudson called for a division of the question; which was first taken upon refusing; which was carried.

The question was next taken upon the adoption of the instructions; which was carried.

Mr Cottrell moved to suspend the orders of the day; which was carried.

On motion of Mr Hudson, the Senate then adjourned until Thursday morning ten o'clock.

THURSDAY, December 17, 1840.

The Senate met pursuant to adjournment.

Mr Phillips presented the petition of T. B. Goldsby and others, the reading of which was dispensed with, and on motion referred to the committee on the judiciary.

Mr Terry presented a communication from the Cashier of the Branch Bank at Mobile, in relation to the fees and salaries paid by said bank to their respective attorneys since the second of February, 1839; which was read, and on motion of Mr Hudson, was referred to the committee on the State Bank.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled, an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, was read a third time.

Mr Hall moved the following amendment, by way of engrossed rider, to come in at the end of the first section, to wit:

*Provided*, That the State shall be divided into Congressional districts after every apportionment by Congress, as heretofore, with a view that a member of Congress may be elected from each district, by the qualified electors throughout the State as herein directed.

On motion of Mr Terry, the amendment was amended by striking therefrom the word 'Congressional.'

Mr Buford moved to amend the amendment with the following, to wit: 'by a majority of the voters in such district;' which was lost. Yeas 8—Nays 20.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Lea, Phillips, Ross, Thornton, and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Reese, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The question then recurred upon the adoption of the amendment offered by Mr Hall, which was carried.

Mr Wilson of J. moved to postpone the further consideration of the bill until to-morrow eleven o'clock, and made the special order for that day; which was carried. Yeas 27—Nays 3.

Those who voted in the affirmative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Dailey, Ross, and Womack.

On motion of Mr Phillips the orders of the day were suspended.

On motion of Mr Phillips,

*Resolved*, That the committee on the judiciary inquire into the expediency of providing by law, that appeals and writs of error from the county to the circuit courts, may be tried in the same manner as appealing from judgments of justices of the peace.

Mr Buford moved further to suspend; which was lost.

Engrossed bills of the following titles, to wit:

An act to be entitled, an act in relation to descents and for other purposes:

An act to establish an additional precinct in Tallapoosa county:

An act to reduce the number of Trustees of the University and make the judges of the Supreme Court *ex officio* members of the board:

An act concerning a certain turnpike road therein named:

An act in relation to the commissioners' court of Talladega county:

Were severally read a third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled, an act for the improvement of the navigation of the Alabama river, was read the third time, and the question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 20—Nays 8.

Those who voted in the affirmative, are Messrs President, Alston, Address, Clarke, Creagh, Dailey, Dent, Jones, King, Lea, McAllister, McConnell, McVay, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner, and Wilson of Jackson.

Those who voted in the negative, are Messrs Farrar, Hudson, Hall, Lloyd, Rodgers, Smith, Wilson of F. and Womack.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

A bill to be entitled, an act explanatory of an act, entitled an act for the extension of debts due the Bank of the State of Alabama and its several branches, the issuance of post notes, and for other purposes, approved February third, 1840, was read a second time, and ordered to be engrossed for a third reading.



Message from the House of Representatives, by Mr Phelan.

Mr President—The House of Representatives has passed bills of the following titles, to wit :

An act to attach a part of the county of Butler, to the county of Conecuh:  
An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county:

An act to incorporate the town of Jasper in the county of Walker:

An act to abolish and establish certain precincts therein named :

An act to extend the time for the collecting of the county school and road tax in the county of Mobile, for the year 1840:

An act to change the name of William Tell Dean, and for other purposes. In which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives, to be entitled, an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a first time.

Mr Hudson moved to dispense with the constitutional rule requiring bills to be read on three several days, with a view of giving the bill a second reading forthwith; which was lost. The bill was then ordered to a second reading.

Engrossed bills of the following titles, from the House of Representatives to wit:

An act to attach a part of the county of Butler to the county of Conecuh:

An act to incorporate the town of Jasper, in the county of Walker:

An act to abolish and establish certain election precincts therein named:

An act to extend the time of collecting school and road tax in the county of Mobile, for the year 1840:

An act to change the name of William Tell Dean, and for other purposes:

Were severally read and ordered to a second reading.

Engrossed bill to be entitled, an act to change the county lines of Pickens and Tuscaloosa, so as to include Miles A. Davidson in the county of Tuscaloosa, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act imposing certain duties on the Secretary of State, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act to secure a homestead to every family within this State, was read the second time.

Mr Wilson of F. offered an amendment by way of additional section; which was adopted.

Mr Terry moved to dispense with the constitutional rule with a view of giving the bill a third reading forthwith; which prevailed. The bill was then read a third time and passed by yeas and nays. Yeas 16—Nays 13.

Those who voted in the affirmative, are Messrs Creagh, Hudson, Hall, Jones, Lea, McAllister, McConnell, McVay, Phillips, Rodgers, Ross, Terry, Toulmin, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Andress, Clarke, Dailey, Dent, Farrar, King, Lloyd, Reese, Smith, Thornton, and Turner.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to authorize the judge and commissioners of roads and revenue of Autauga county to levy a tax, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill to be entitled, an act respecting the claim of Mark Nicholas of Perry county against the State Bank, was read a third time.

Mr Jones moved to refer the bill to the judiciary committee; which was lost. Yeas 13—Nays 16.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Jones, King, Lea, McVay, Phillips, Ross, Thornton, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs Clarke, Creagh, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, Reese, Rodgers, Smith, Terry, Toulmin, and Turner.

The question was then put 'shall the bill pass?' which was decided in the negative. Yeas 6—Nays 23.

Those who voted in the affirmative, are Messrs Alston, Address, Dent, King, Lea, and McConnell.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Jones moved that the Senate adjourn; which was lost.

Mr Rodgers from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled, an act to attach a part of the county of Wilcox to the county of Butler:

A bill to be entitled, an act for the benefit of the Alabama Fencibles:

A bill to be entitled, an act regulating sales by the sheriff of the county of Bibb:

A bill to be entitled, an act to change the time of holding the county court of Tallapoosa county:

A bill to be entitled, an act to authorize the election of an assessor and tax collector for the county of Chambers:

A bill to be entitled, an act to regulate taxation for the county of Henry:

A bill to be entitled, an act to repeal the fifth section of an act to incorporate the town of Fredonia in Chambers, approved February fourth, 1840:

On motion of Mr Clarke the orders of the day were suspended.

Mr Clarke then moved that when the Senate adjourn, it will adjourn until half after three o'clock this evening; which was carried.

On motion of Mr Turner,

*Resolved*, That with the consent of the House of Representatives, the two Houses will assemble in the Hall of the House on Friday the sixteenth instant, at half after twelve o'clock, to elect a solicitor for the fifth judicial circuit, also a judge of the county court of Tallapoosa county, and a judge of the tenth judicial circuit.

On motion of Mr Hudson, the Senate then adjourned.

## EVENING SESSION, half after 3 o'clock.

Mr Hall moved a call of the Senate; which was sustained, when the following members appeared and answered to their names, to wit:

Messrs President, Address, Clarke, Creagh, Dailey, Dent, Hudson, Hall, Lea, McAllister, McConnell, McVay, Phillips, Reese, Toulmin, Turner, and Wilson of J.

Mr Hall moved to reconsider the vote refusing to pass a bill respecting the claim of Mark Nicholas of Perry county, against the State Bank.

On motion of Mr Hudson, the motion of Mr Hall to reconsider was postponed until to-morrow twelve o'clock.

Mr President laid before the Senate a document in relation to the contested election of Sumter county; which on motion of Mr Hudson was referred to the committee on privileges and elections.

Mr Wilson of J. from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit:

An act to alter and amend the law respecting dower:

An act to incorporate a male and female academy at the town of McDonald: and

An act for the relief of Mary Howell.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled, an act for the relief of Jethro D. Conway, was read a second time.

On motion of Mr Rice, it was referred to the committee on Indian expenditures.

A bill to be entitled, an act for the relief of Spartan Allen, was read a second time, and on motion of Mr McConnell referred to the committee on Indian expenditures.

Engrossed bill to be entitled, an act to improve the navigation of the Cahawba river, was read a third time: the question then was 'shall the bill pass?' which was decided in the affirmative. Yeas 15—Nays 4.

Those who voted in the affirmative are, Messrs President, Address, Clarke, Creagh, Dailey, Dent, Lea, McAllister, McConnell, McVay, Phillips, Thornton, Toulmin, Turner, and Wilson of J.

Those who voted in the negative are, Messrs Hall, Hudson, Rice, and Smith.

Ordered, that the title of the bill remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

A bill to be entitled, an act to appoint a justice of the peace in the town of Troy, in the county of Pike, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, an act to secure the fees of certain officers in the county of Mobile, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled, an act for the relief of the Florence Bridge Company, was read a second time, and on motion of Mr Creagh, the word 'ten' was stricken out, in the third line of the second section.

Mr McVay moved to fill the blank with 'nine' and the yeas and nays were called. Yeas 6—Nays 22.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Hall, Lea, McAllister, McVay, Thornton, and Wilson of J.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lloyd, McConnell, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

The motion was lost.

Mr Hall moved to fill the blank with 'six' and the yeas and nays were called. Yeas 10—Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Hall, King, Lea, McVay, Phillips, Thornton, and Wilson of J.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Womack.

The motion failed.

Mr Phillips moved to fill the blank with 'five;' which was lost.

On motion of Mr Hudson, the bill was ordered to lay upon the table.

The following preamble and resolutions, previously submitted by Mr King came up among the orders of the day, to wit:

Whereas, according to the doctrines of the republicans of ninety-eight, and recognized and acknowledged by all true democrats, the Government of the United States, and that of the State of Alabama, are both purely representative, as to all legislative actions and legislative duties, and when the delegates of the National or State Legislatures fail to represent the ascertained will of the majority of their respective constituency, they are guilty of direct usurpation and of a palpable violation of their trust. So sacred are the obligations which this representative principle imposes, that express instructions should not be required to mould the representative to the popular will, if, by any other means, this will can be ascertained; upon these fundamental principles of true democracy, and to secure a perfect and entire responsibility upon this basis, our own State has been divided into counties entitled to separate delegations, who should be the several exponents of the will of the majority of that county. The collected representation from all the counties compose the Legislature of Alabama, to which body, is assigned the duty of electing two senators to represent the State of Alabama in the Senate of the United States for the term of six years. The duty now devolves upon the Legislature of Alabama to elect one of those senators, and that body is now relieved from all risk of a misconception of the wishes of their respective constituents as the recent vote of all the counties after a long and exciting contest, has so clearly manifested that wish, as to make it equivalent to positive instructions: and he who fails or refuses, after a clear manifestation of public opinion to reflect that opinion in the election of a senator either denies the democratic principle of popular control, or recognizing it in theory, condemns the voice of those by whom alone, he is empowered to vote: Therefore,

*Be it resolved*, That in all cases the representative is bound to respect the ascertained will of his constituents, and that a failure or neglect truly to act, and vote for them and in their name, is an express violation of the principles of genuine democracy.

*Be it further resolved*, That in the election of a senator to represent the State of Alabama in the Congress of the United States no representative is authorized or empowered to exercise discretionary powers, but he is bound



to vote for that individual whose political opinions may accord with those of a majority of his constituents.

Mr Terry offered the following as a substitute:

Whereas the relation of representative and constituent is one of great delicacy, all interference with it by a third party is obstructions and improper. This Legislature deems any attempt to define or enforce the right of instructions, except in cases relating directly to agents who receive the grant of power from them, as not only unnecessary and uncalled for, but in the highest degree objectionable. Each representative in the State Legislature is responsible alone to his immediate constituents for his acts as such representative; and we deny the right of any person or persons to interfere in any manner, whatsoever, between the parties. He is the sole judge of the wishes of the people he represents; and whether he carries out their wishes or refuses to do so, we conceive it to be not only unusual, but unwarrantable in the Legislature of which he is a component part, to pass resolutions approving his course. He receives his appointment from the people, is responsible immediately to them for his conduct; and the Legislature would be wandering from its legitimate functions, if it attempted to describe what that conduct should be. We recognize to the fullest extent the doctrine that the representative is bound to obey the known and ascertained will of his constituents; but to be binding, that will should be clearly expressed, and not left to doubtful inference; a contrary doctrine would lead to the most alarming results. We believe that the recent elections for electors of President and Vice President of the United States in the State of Alabama, is by no means a conclusive expression of the will of the people of any particular county; in such election every inhabitant of the State, is allowed by law to vote in any county in which he may happen to be on the day of the election, and votes may have been floated from one county to another in such a manner as to produce results which never would have been brought about if each individual had cast his vote at some precinct in his own county. We look to the State elections therefore as affording the only true and certain test of the will of the people of each county, and by them we conceive the representative is bound to be governed in the absence of express instructions of a contrary character. We further hold, that when a representative has been elected by a people to whom his opinions and principles are fully known, and by whom they are fully understood, the fact of such election is strong presumptive evidence that their opinions and principles accord with his own; and he is at liberty to regulate his conduct accordingly, unless otherwise instructed. Entertaining these views and opinions, and being satisfied that the right of instruction is one of too high and sacred a character to be resorted to on every trivial occasion, or by other persons than those who have the right to instruct, we hold it to be our duty to repudiate all interference with the subject, but by the people themselves:

*Therefore be it Resolved*, That we believe it to be highly improper for this body to interfere with any member and his constituents, and that we cannot recognize the right of this Legislature to decide whether a representative is or is not carrying out the will of the people whom he represents.

Mr Hudson moved to lay the resolutions and substitute upon the table; upon which motion the yeas and nays were demanded. Yeas 11—Nays 19.

Those who voted in the affirmative, are messrs Alston, Andress, Dent, Hudson, Lea, McConnell, Phillips, Reese, Ross, Thornton and Womack.

Those who voted in the negative, are messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Jones, King, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J.

The Senate refused to lay upon table.

Mr Terry, who had spoken twice before the Senate upon the subject, asked leave to address the Senate again.

The question was put 'shall the gentleman from Limestone have leave?' which was decided in the affirmative. Yeas 25—Nays 4.

The yeas and nays being called for by Mr McConnell, those who voted in the affirmative, are messrs President, Andress, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McVay, Phillips, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are messrs Alston, Hudson, McConnell and Reese.

The question was then upon the adoption of the substitute offered by Mr Terry; upon which the yeas and nays were demanded. Yeas 20—Nays 8.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Alston, Dent, King, Lea, Phillips, Ross, Thornton and Womack.

The substitute were adopted.

The question then recurred upon the adoption of the preamble and resolution as amended; and the yeas and nays were demanded. Yeas 22—Nays 7.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Alston, Dent, King, Lea, Phillips, Thornton and Womack.

The preamble and resolution was adopted.

On motion of Mr McConnell, the Senate adjourned.

FRIDAY, December 18, 1840.

The Senate met pursuant to adjournment.

Mr Watrous presented the petition of sundry citizens of Coosa county, the reading of which was dispensed with, and on motion, referred to the committee on county boundaries.

Mr Alston, from the committee on the judiciary, to which was referred the petition of Mrs. Mary Bryan of the county of Marengo, reported a bill to be entitled an act to authorize the emancipation of a certain slave therein named; which was read and ordered to a second reading.

Mr Wilson of F. from the committee on privileges and elections, to which was referred the petition of James B. Tart, in relation to the contested election for Senator in the county of Sumter, reported that they have examined the boxes containing the votes given in said election, and find but few of the list of the votes given at the different precincts, either signed or certified by any one. At one precinct, supposed to be Gainesville, there is no list of votes: at another precinct, the tickets alone are sent, without any list of voters or certificate. From the facts, it is impossible for your committee to apply the tes-

timony which has been referred on the subject, as they could not in many instances ascertain by whom the vote was given that has been contested; which, on motion of Mr Dent, was ordered to lay upon the table.

Mr Hudson, from the select committee, to which was referred the bill entitled an act to authorize the purchase and distribution of certain books, reported the same back to the Senate, with the following amendment, to wit: strike out the word 'two' where it occurs in the bill, and insert 'one' in lieu thereof; and thus amended recommended its passage.

Mr Rice called for a division of the question; which was first upon striking out 'two,' as suggested in the report; which was carried.

The question was then upon inserting the word 'one,' in lieu thereof; which prevailed.

Mr Rice moved to lay the bill on the table; upon which the yeas and nays were demanded. Yeas 8—Nays 24.

Those who voted in the affirmative, are Messrs President, Dailey, Hall, Lloyd, McVay, Rice, Ross and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Womack.

The motion to lay on the table was lost.

The question was then upon the adoption of an amendment previously offered by Mr Hall, 'that the price of the books to be purchased should not exceed three dollars per volume.'

Mr Hall offered the following proviso as an amendment to the one previously offered: '*Provided further*, that each member of the Senate present deposit in the hands of the State Treasurer, the sum of five dollars for the purpose of carrying this act into effect.'

The yeas and nays were demanded upon the adoption of the proposed amendments. Yeas 9—Nays 23.

Those who voted in the affirmative, are Messrs President, Dailey, Hall, McAllister, McVay, Reese, Rice, Ross and Wilson of J.

Those who voted in the negative, are Messrs Alston, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McConnell, Oliver, Phillips, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack.

The amendment was lost.

The question was then, 'shall the bill pass?' upon which the yeas and nays were called. Yeas 21—Nays 11.

Those who voted in the affirmative, are Messrs Alston, Address, Creagh, Dent, Hudson, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of F.

Those who voted in the negative, are Messrs President, Clarke, Dailey, Farrar, Hall, Lloyd, McVay, Rice, Ross, Wilson of J. and Womack.

The bill was passed. Ordered, that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to change the times of holding the courts of the second judicial circuit.

Mr King presented the following protest, to spread upon the journals of the Senate:

DECEMBER 18, 1840.

The undersigned, in the exercise of their constitutional privilege, protest against the adoption of the substitute, offered on yesterday, for the resolutions in regard to the duty of the Representative to obey the will of his constituents:

1st. Because the original resolutions express the republican doctrines more accurately, fully and distinctly, upon the subject.

2d. Because we deem the adoption of the substitute, equivalent to the objection of the original.

3d. Because we apprehend the right of instruction is not fully recognized in the substitute, and hold that the representative ought to obey the deliberate will of the majority of his constituents, whenever it is fully ascertained, though he may think it different from what it was at the time of his election, or resign his station into the hands of those whose sovereignties he pretends to represent. We go further, and maintain that it is the duty of the representative, diligently to inquire and ascertain the will of his constituents. if he can, upon all subjects and at all times, subsequent to the period of his election, during his continuance in office.

4th. Because we hold it to be our constitutional right and duty to avow in our legislative capacity, wholesome republican doctrines, without qualifications, and on all proper occasions.

(Signed,)

HENRY C. LEA,  
WM. S. PHILLIPS,  
WM. J. ALSTON,  
PEYTON KING,  
HARRY I. THORNTON,  
DENNIS DENT,  
S. S. ADDRESS.

The undersigned approves the doctrines set forth in the above protest. I prepared the original resolutions and voted against the substitute when offered as an amendment, but voted for the final adoption of the substitute, as containing a portion of the true doctrine.

(Signed)

JESSE WOMACK.

Mr Lloyd introduced a bill to be entitled an act to establish an election precinct therein named, which was read a first time, and the constitutional rule dispensed with, the bill read a second time, and ordered to be engrossed for a third reading.

Mr Hall introduced a bill to be entitled an act to amend an act to incorporate the Coosa bridge company, passed 1836, and act amendatory of said act, passed in 1839—1840; which was read and ordered to a second reading.

Mr Dailey introduced a bill to be entitled an act to alter the time of holding the spring term circuit court, in certain counties therein named; which was read and ordered to a second reading.

Mr Alston introduced a bill to be entitled an act the better to preserve records of the several counties in this State; which was read and ordered to a second reading.

On motion of Mr Toulmin,

*Resolved*, With the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House, at seven o'clock, p. m. this



day, Friday the 18th inst. for the purpose of electing a president and six directors, for the branch of the bank of the State of Alabama at Mobile.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has adopted the preamble and resolutions of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy, which originated in the Senate.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled an act to establish the general ticket system, in elections for representatives in Congress from the State of Alabama, being upon its third reading, after some time spent in the discussion of the bill, it was, on motion of Mr Dent, postponed until eleven o'clock to-morrow morning, and made the special order for that hour.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a solicitor of the fifth circuit, a judge of the county court for Tallapoosa county, and a judge for the tenth judicial circuit, at half-past twelve o'clock, and has amended the same by striking out 'half-past twelve,' and inserting 'four,' in which the concurrence of the Senate is requested.

The Senate concurred.

Mr Hall moved that when the Senate adjourn, it will adjourn until half-past three o'clock this evening; which prevailed.

On motion of Mr Andress the Senate then adjourned.

AFTERNOON SESSION, half-past 3 o'clock.

The Senate met pursuant to adjournment.

The motion to re-consider the vote refusing to pass the bill entitled an act respecting the claim of Mark Nichols, of Perry county, against the State Bank, being the special order, was taken up, and the vote re-considered.

On motion of Mr Hudson, the further consideration of the bill was postponed until Monday next, and made the special order for eleven o'clock on that day.

On motion of Mr Terry, the orders of the day were suspended.

On motion of Mr Terry, the preamble and joint resolutions of the General Assembly of Alabama, concerning the late law of New York, extending the right of trial by jury to fugitive slaves, was ordered to be taken from the table.

On motion of Mr Dent, the word 'unanimously,' was inserted after the word 'resolved,' in each resolution.

The question was then taken upon the adoption of the resolutions, and the yeas and nays were called for by Mr Turner.

Affirmative votes are Messrs President, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rise, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack—27.

No one voted in the negative.

Mr Alston asked, and was excused from voting on the resolutions.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has instructed me to invite the Senate into the hall of the House, to go into the election of a solicitor of the 5th judicial circuit, a judge of the county court for Tallapoosa county, and a judge for the 10th judicial circuit.

The Senate having repaired to the hall of the House of Representatives and taken their seats, the two houses then proceeded to the election of a Solicitor for the fifth judicial circuit, **WILLIAM ACKLEN** alone being in nomination.

Those who voted for Mr **ACKLEN**, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hutchinson, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Province, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of D. Winston of S. Womack, Wynn and Young, of the House.

Mr **ACKLEN** having received one hundred and twenty six votes, the whole number given. Mr Speaker declared him duly and constitutionally elected solicitor of the fifth judicial circuit.

The two houses then proceeded to the election of a judge of the county court of Tallapoosa county, Mr. **SOLOMON HEYDENFELDT**, alone being in nomination:

Those who voted for Mr **HEYDENFELDT**, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Province, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young, of the House of Representatives.

Mr **HEYDENFELDT** having received one hundred and twenty five votes, the whole number given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Tallapoosa county.

The two houses then proceeded to the election of a judge of the tenth judicial circuit, **WILLIAM HALE** and **EDWARD S. DARGAN**, being in nomination:

Those who voted for Mr **HALE** are, Messrs Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F.

and Wilson of J. of the Senate ; Messrs Adams, Adrian, Alexander, Clemens, Cobb, Davis of L., Douglass, Fowler, Hale, Hill, Houston, Hughes, Kelly, Mallard, Marchbanks, McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Reynolds, Roberts, Russell, Saunders, Smith of J. Stone, Wann, Wilson, Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr DARGAN, are Messrs President, Alston, Address, Buford, Dailey, Dent, Hall, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, and Womack, of the Senate ; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of A., Davis of B., Dixon, Doster, Fitzpatrick, Flemming, Garrett, Griffin of M., Griffin of S., Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McClanahan, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Peguëse, Perkins, Peterson, Prince, Provence, Pynes, Rice, Seawell, Shanks, Simmons, Smith of L., Spruill, Strode, Walker of B., Walker of L., Williams, Winston of DeK., Womack and Young, of the House of Representatives.

Mr DARGAN having received a majority of the votes given, Mr Speaker declared him duly and constitutionally elected judge of the tenth judicial circuit, for the ensuing six years.

The Senate then withdrew from the hall of the House, and returned to their Chamber, Mr President took the chair, and the Senate proceeded to the consideration of the special order, that being the preamble and joint resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the States of Connecticut and Kentucky, touching the public lands.

Mr Alston moved to strike out the words 'contrary to the compact and in violation of the constitution of the United States,' in the first resolution; which was lost. Yeas 10—Nays 18.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, King, Lea, Oliver, Phillips, Ross, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Alston moved to refer to a select committee; which was lost.

Mr Turner moved to postpone until to-morrow eleven o'clock, and make it the special order for that hour; which was carried.

On motion of Mr Rice, the Senate then adjourned.

SATURDAY, December 19, 1840.

The Senate met pursuant to adjournment.

On motion of Mr Hudson,

*Resolved*, That the secretary of the Senate be instructed to ascertain from the directors or ex-directors of the State Bank, who may now be at or near the seat of government, what are the circumstances under which a bill of exchange, drawn during the year 1837, by Mark Nichols, was purchased and applied in said Bank; what were the conditions upon which it was purchased, and other circumstances in their knowledge or recollection, and report to the Senate previous to eleven o'clock, A. M. on Monday next.

Mr Phillips presented the petition of William W. Frambro and others, which was referred to the committee on the judiciary.

Mr Hudson introduced a bill to be entitled an act to amend the charter of the Tuscumbia, Courtland and Decatur rail road company, and for other purposes, which was read a first time, and the constitutional rule dispensed with,

the bill read the second time, and ordered to be engrossed for a third reading.

On motion of Mr Wilson of J.

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House of Representatives, this day, 19th Dec. at the hour of 4 o'clock, p. m. for the purpose of going into the election of a judge of the county court of Shelby county.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act regulating the fees of bank attorneys on collections from the purchasers of sixteenth sections, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act regulating the sales of constables was read a second time.

On motion of Mr Wilson of F. it was indefinitely postponed.

A bill to be entitled an act to authorize a stay of execution in certain cases, was read a second time.

On motion of Mr Lea it was laid on the table.

A bill concerning deeds was read a second time, and on motion of Mr Ross ordered to lie on the table.

A bill to be entitled an act to repeal so much of the venue law of this State as relates to criminal cases, was read a second time.

On motion of Mr Alston it was laid on the table.

A bill to be entitled an act in relation to the sixteenth section in township ten, of range five, in the county of Wilcox, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to explain an act entitled an act to appoint administrators in certain cases, was read the second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill read a third time and passed.

Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act for the relief of the citizens of Deerhead Cove in the county of DeKalb.

Engrossed bill to be entitled an act to amend an act entitled, an act to organize and establish separate courts of chancery, approved 26th of January, 1839, was read a third time, the various blanks being filled as therein shewn.

Mr Dailey offered the following amendment as an engrossed ryder, to wit: "Provided, that the chancellor to be elected in the middle division, shall have resided in that division three months immediately preceding the passage of this act, and one year in the State;" and "Provided further, that whenever hereafter a vacancy occurs in the chancellorship in either of the divisions now established, by death, resignation or otherwise, and upon the term of service for which they may have been elected having expired, such vacancy shall be filled from persons living in their respective divisions, according to the provisions of the preceding section."

The amendment was lost.

The question then recurred on the passage of the bill, and the yeas and nays were demanded—Yeas 19—Nays 10.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh,



Hudson, Hall, Jones, King, Lea, Lloyd, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Alston, Dailey, Farrar, McAllister, McVay, Rice, Ross, Smith, Terry, and Wilson of J.

The bill passed. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

The hour of eleven having arrived, the Senate proceeded to the consideration of the special order of the day, to wit: A bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, was read a third time.

On motion of Mr Reese, the further consideration of the bill was postponed till half past three o'clock this evening.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the resolution of the Senate proposing to go into the election of a judge of the county court for Shelby county, this day at 4 o'clock, p. m.

Mr Reese moved that when the Senate adjourn, it will adjourn until half past 3 o'clock.

On motion of Mr Wilson of F. the Senate then adjourned.

EVENING SESSION, half past 3 o'clock.

The Senate met pursuant to adjournment.

Mr Rodgers moved a call of the Senate, which was sustained, when the following Senators appeared and answered to their names, to wit:

Messrs President, Andress, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Watrous, Wilson of F. Wilson of J. and Womack.

On motion of Mr Hudson, the absentees were excused.

The Senate then took up the bill to be entitled, an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, said bill being the special order of the day.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has instructed me to invite the Senate into the hall of the House of Representatives, for the purpose of going into the election of a judge for the county court of Shelby county.

The Senate having repaired to the hall of the House of Representatives and taken their seats, the two houses proceeded to the election of a judge of the county court of Shelby county, CHARLES R. GIBBS and ANDREW J. STEPHENS being in nomination:

Those who voted for Mr GIBBS, are Messrs Alston, Andress, Buford, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous, and Womack of the senate; Messrs Ashurst, Barron, Bates, Bell, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Fitzpatrick, Flemming, Griffin, of s. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jamison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Pegues, Perkins, Peterson, Seawell, Shanks, Simmons, Sprull, Womack, and Young, of the House of Representatives.

Those who voted for Mr STEPHENS, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the senate;

Messrs Speaker, Adrian, Alexander, Blackshear, Blair, Clemens, Davis of L. Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, McClanahan, McCullough, McMillion of J. Moore of mad. Moore of marion, Morris, Pyne, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Mr STEPHENS having received a majority of the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Shelby county for the ensuing six years.

The Senate then returned to the Senate Chamber, Mr President resumed the Chair, and proceeded to business, the special order still being under consideration.

Mr Buford moved to postpone the further consideration until Monday morning 11 o'clock, which was lost.

Mr King moved to adjourn, which was lost—Yeas 12, Nays 19. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dailey, Jones, King, Lea, McVay, Oliver, Phillips, Thornton, and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The motion was lost.

Mr Buford who occupied the floor, gave way, and Mr Womack moved that the Senate adjourn, which was lost—Yeas 12, Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dailey, Jones, King, Lea, McVay, Oliver, Phillips, Thornton, and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hall, Hudson, Lloyd, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Buford resumed his remarks.

Mr Lea moved to adjourn, and the yeas and nays were demanded. Yeas 19, Nays 21.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dailey, King, Lea, Oliver, Phillips, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner Wilson of F. and Wilson of J.

The motion was lost.

Mr Hall moved the previous question, and the yeas and nays were demanded—Yeas 13, Nays 17.

Those who voted in the affirmative, are Messrs President, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Rodgers, Ross, Smith, and Wilson of F.

Those who voted in the negative, are Messrs Alston, Address, Buford, Clarke, Dailey, King, Lea, Lloyd, McVay, Oliver, Phillips, Terry, Thornton Toulmin, Turner, Wilson of J. and Womack.

The previous question was sustained.

The question was then put, 'Shall the bill pass?' which was decided in the affirmative. Yeas 19, Nays 12.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh,

Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Buford, King, Lea, McVay, Oliver, Phillips, Reese, Ross, Thornton and Womack.

The bill passed. Ordered, that its title remain unchanged.

On motion of Mr McConnell, the Senate then adjourned.

MONDAY, December 21, 1840.

The Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr Phelan :

Mr President—The House of Representatives has concurred in the amendment made by the Senate to the bill for the payment of certain claims against the State, and has disagreed to the amendment made by the Senate to the bill to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington in said county.

The House has also passed bills of the following titles :

An act to form a company beat in the county of Marshall :

An act to divorce Almond Saunderson, from his wife Susan Saunderson :

An act to incorporate the Tipton male and female academy :

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county :

An act to amend an act for the location of the seat of justice in Washington county, and for other purposes :

And an act to incorporate the town of Eutaw, in the county of Greene :

In which the concurrence of the Senate is requested.

Mr Phillips moved that the Senate adhere to its amendment made to the bill, to be entitled an act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes, which was carried.

Engrossed bill from the House of Representatives to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, was read a first time.

On motion of Mr Phillips, the constitutional rule was dispensed with, the bill was then read the second time, and on motion of Mr Hudson, referred to the committee on divorce and alimony.

Engrossed bills from the House of Representatives, of the following titles, to wit:

An act to form a company beat in the county of Marshall, and for other purposes :

An act to incorporate the Tipton male and female academy :

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county, approved Dec. 23, 1837 :

An act to amend an act for locating the seat of justice of Washington county, and for other purposes :

An act to incorporate the town of Eutaw, in Greene county :

Were severally read and ordered to a second reading

Message from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, December 19, 1840. }

Gentlemen of the Senate and House of Representatives:

I beg leave to call the attention of the General Assembly to the existing laws in relation to the election of members of Congress of the United States. It will be recollected that the term for which the members of that body are elected, expires on the 4th of March, and that the general elections in this State are holden on the first Monday in August thereafter. Hence, in the event of an extra session of Congress between the 4th of March and the first Monday in August, the State of Alabama would be entirely destitute of any representation in the popular branch of the National Legislature.

I have, therefore, felt it to be my duty to present the subject to the notice of the General Assembly, in order that they might make such provisions to guard against a contingency which might occur, as in their judgment may be right and proper.

A. P. BAGBY.

Mr Terry moved to refer the message to the committee on privileges and elections.

Mr McConnell moved to lay it on the table: which was lost.

The question then recurred upon Mr Terry's motion to refer, which was carried.

Mr Hall presented the accounts of sundry individuals, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Lea from the committee on internal improvement and inland navigation, made the following report, to wit:

The committee on internal improvement and inland navigation, to whom was referred the communication of John S. Simpson, one of the commissioners for the improvement of the Elk river, herewith return the same to the Senate, there being no necessity for legislative action for the present. The committee approve of the course of the commissioners not to draw or apply the appropriations set apart for that purpose, except at such times and in such manner, as will be obviously conducive to the public good.

In which report the Senate concurred.

Mr Lea, from the same committee, to whom was referred a bill to be entitled an act to assist the Montgomery and West Point rail road company, reported a substitute therefore, and recommended its passage.

The hour of eleven o'clock having arrived, the Senate took up the preamble and joint resolution of the Senate and House of Representatives of the State of Alabama, in answer to the resolutions of the Legislatures of the States of Connecticut and Kentucky, in relation to the distribution of the public lands.

Mr Terry moved to suspend the special order, until the subject before the Senate was disposed of; which was carried.

The Senate then resumed the consideration of the substitute reported by the committee.

Mr McConnell moved to amend it by an additional section; which was lost.

Mr Hall moved to recommit the substitute, reported by the committee, together with the original bill, to a select committee, with Mr Terry for its chairman; which was lost.



The question then recurred upon the adoption of the amendment reported by the committee; which was lost. Yeas 12—Nays 19.

Those who voted in the affirmative, are Messrs President, Alston, Address, Dailey, Hall, King, Lea, McAllister, Reese, Toulmin and Watrous.

Those who voted in the negative, are Messrs Clarke, Creagh, Dent, Farrar, Jones, Lloyd, McConnell, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Turner, Wilson of F. Wilson of J. and Womack.

Mr Lea moved to lay it upon the table; which was carried.

Méssage from his Excellency, the Governor, by his private secretary:

*December 21, 1840.*

Mr President—I am instructed by his Excellency, the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to change the time of holding the circuit courts of the second judicial circuit:

An act for the relief of **Mary Howeli**;

An act to alter and amend the laws respecting dower:

Which bills originated in the Senate.

Mr Smith, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to change the time of holding the August term of the commissioners court of roads and revenue, in the county of Henry:

A bill to be entitled an act to authorize and compel the tax collector for the county of Covington, to receive in payment of taxes for said county, jury tickets for services rendered in the circuit and county courts; and for other purposes:

A bill to be entitled an act to limit the session of the circuit court to three weeks, in the county of Tallapoosa:

A bill to be entitled an act to authorize the election of an assessor and tax collector for the county of DeKalb.

The Senate then resumed the consideration of the special order.

Mr Alston moved to strike out these words on the seventh page, to wit: 'but because we consider it altogether at war with the terms of session of those lands which were ceded by the States and wholly unconstitutional as respects those lands which were purchased of France and Spain;' and on the eighth page, strike out the words 'and in violation of the compact of cession; and the constitution;' which was lost. Yeas 9—Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, King, Lea, Oliver, Phillips, Reese, Ross and Thornton.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Phillips called for a division of the question; which was first taken upon the adoption of the preamble, and the first branch of the first resolution; which was adopted. Yeas 26—Nays 3.

Those who voted in the affirmative, are messrs President, Address, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are messrs Alston, Oliver and Thornton.

The question was next taken upon the second branch and adopted. Yeas 22—Nays 9.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lea, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are messrs Alston, Andress, Dailey, Dent, King, Oliver, Phillips, Ross and Thornton.

Mr Rodgers from the committee on enrolled bills, reported that they had examined and found correctly enrolled.

A bill to be entitled an act to alter the mode of assessing and collecting the taxes for Henry and Dale counties:

Also, a preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut in favor of the protective policy.

The Senate took up the bill respecting the claim of Mark Nicholas of Perry county, against the State Bank—said bill being the special order of the day.

The question was then put, 'shall the bill pass?' which was decided in the negative. Yeas 10—Nays 11.

Those who voted in the affirmative, are messrs Alston, Dent, Hudson, Hall, King, Lea, McConnell, Oliver, Smith and Watrous.

Those who voted in the negative, are messrs President, Buford, Clarke, Dailey, Farrar, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The bill was lost.

The committee on federal relations, to whom was referred certain joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy, have had the same under consideration and beg leave to report, that after careful examination of facts and circumstances set forth in the preamble to said joint resolutions, connected with the felonious stealing and carrying away the slave Atticus, by Daniel Philbrook and Edmond Kilborn, from the State of Georgia, and transporting him to the State of Maine, and the refusal of the Executive of the State of Maine, to surrender said Philbrook and Kilbron, as fugitives from justice, upon demand made by the Governor of Georgia, pursuant to the provisions of the Federal Constitution.— They have come to the conclusion that the demand made was legal and proper, that the right was clear under the Constitution, and the refusal to surrender was inconsistent with the constitutional obligations of a State. They, therefore, concur in the following resolutions of said State, and recommend their adoption by the General Assembly of this State:

1. *Resolved*, That it is the duty, as well as the right of any State, to insist on the faithful observance of the Federal Constitution by each State in the Union.

2. *Resolved*, That to define crimes and felonies within its jurisdiction, is an incident to the sovereignty of each State, and that no other State can question the exercise of that right.

3. *Resolved*, That to demand the surrender and removal of fugitives from justice, is, by the Constitution, a right, and the arrest and surrender a duty, that the denial or impairment of this right, is inconsistent with the constitutional obligations of a State, and subversive of the peace and good government of the other States.

4. *Resolved*, That the right has been impaired, if not denied by the authorities of Maine, and that this State will never consent that any State shall become an asylum for those who are fugitives from the justice of other States.

5. *Resolved*, That this State will make common cause with any State of this Confederacy, in maintaining its just rights, under the guaranty of the Constitution of the United States; and should the obligations of this instrument be disregarded by those whose duty it may be to enforce them, it will take counsel of its co-States of this Confederacy, having similar interests to protect and similar injuries to redress, in devising and adopting such means as to maintain at any hazard, their rights and property, which the obligations of the compact of Union, cancelled as they there will be, so as to have failed to enforce.

6. *Resolved*, That the Executive of this State be requested to transmit to the Executives of the several States, to be laid before their respective Legislatures, to the President of the United States, and to our Senators and Representatives in Congress, a copy of the above report, and of those resolutions.

Upon the adoption of which, the yeas and nays were demanded. Yeas 28 — Nays none.

Those who voted in the affirmative, are messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

Mr Hudson, from the same committee, to whom was referred certain joint resolutions of the Legislative Council and General Assembly of the State of New Jersey, made the following report:

The resolutions set forth that certain persons who claimed to be Representatives of the people of the State of New Jersey, in the twenty-sixth Congress of the United States, at the proper time and place, appeared and produced their commissions as such Representatives, and claimed the right to unite with the Representatives of the other States of the Union in forming and organizing a House of Representatives, but by acts of a portion of those Representatives were prevented from exercising that right.

The above statement embraces substantially, but concisely, the matters contained and set forth in the resolutions. It will be perceived, that it is charged that the Representatives of the States, other than New Jersey, have in the instance and acts referred to, violated the rights of New Jersey, and that, that violation consists in the rejection of the persons who claim to be the Representatives of the latter State, in the United States Congress. To enable us to determine whether the rights of New Jersey, were in fact violated, it becomes necessary to ascertain whether the persons claiming to be the Representatives, were in truth elected by the electors qualified to vote for members of the most numerous branch of the State Legislature of that State; for unless they were thus elected, it cannot be contended that they were entitled to exercise the rights claimed for them. The whole question turns upon this point alone.

Your committee have not had the means of procuring either positive, written or oral evidence, shewing whether those persons were so elected or not; nor does the resolutions, themselves, aver that fact in the absence of positive testimony. Your committee have sought the best within their reach, and for this purpose, examined the action of Congress in the matter; they ascertained that the rights of those gentlemen to represent the State of New Jersey, were contested by other gentlemen, who claimed to be duly elected according to the constitution and laws of the land.

The House of Representatives in the exercise of the power on that branch of the Federal Legislature, in the first clause of the fifth section of the first article of the Constitution, instituted an inquiry on this contest, and after a delay of some months, and after a lengthy and laborious examination of the question, determined that the persons named in the resolutions of New Jersey, were not elected members, and had no right to unite with the Representatives of the other States in forming one branch of the Federal Legislature. Whether this determination be right or wrong, your committee, as above stated, have not the means of ascertaining. But, as by the particular clause in the United States Constitution alluded to above, the House of Representatives was invested with the power to determine and pass upon this question. Your committee have felt bound in the absence of proof to the contrary, to come to the conclusion that their determination was in accordance with the facts.

Taking then the action of the House of Representatives, as the evidence on which your committee must rely, and connecting with it the absence of an avowment to the contrary, in the resolutions themselves, your committee come to the conclusion that the persons named in those resolutions, were not elected members to the twenty-sixth Congress of the United States; and consequently the rights of New Jersey were not violated in the regulation of their claims. Believing this, inasmuch as the time has passed when the purposes sought to be obtained by the said resolutions, has passed, your committee come to the conclusion that an expression of opinion on the subject, by this General Assembly, is uncalled for and unnecessary; and your committee ask to be discharged from the further consideration thereof.

The report of the committee was concurred in by the Senate. Yeas 18—Nays 11.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Reese, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Alston, Address, Buford, King, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

Mr Wilson of F. from the judiciary committee, to whom was referred a bill to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, reported the same back to the Senate, declaring the two acts referred to in the bill are acts of ordinary legislation, the repeal of which, if though expedient, violates the constitutional principle. The passage of the bill is therefore recommended. The bill was placed among the orders of the day.

Mr Phillips introduced a bill to be entitled an act to incorporate and extend the powers of the Alabama medical society, which was read a first time, and on motion of Mr Phillips, the constitutional rule was dispensed with, the bill read a second time, and on motion of Mr Phillips, referred to a select committee. Messrs Phillips, Oliver and Dailey appointed said committee.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act permanently to locate the seat of justice for Marshall county and for other purposes.

Mr Toulmin introduced a bill to be entitled an act to amend the charter of the city of Mobile, which was read a first time, and on motion of Mr Toulmin, the constitutional rule was dispensed with, the bill read a second time, and on motion of Mr Alston, referred to the judiciary committee.

Mr Buford introduced a bill to be entitled an act to authorize the judge and



commissioners of roads and revenue of Russell county, to levy a tax for county purposes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Ross,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law for the relief of endorsers on bills of exchange, or in other words, requiring the president and directors of the bank of the State of Alabama and the several branch banks, to sue on all bills of exchange at the first term of the court after the bill falls due and remains unpaid; and that they report by bill or otherwise.

Mr Hall offered the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Tuesday, the 22d inst. at half-past three o'clock, for the purpose of electing a president and six directors for the branch bank at Montgomery.

Mr Reese moved to amend the resolution by striking out 'Tuesday, 22d,' and inserting 'Saturday, 26th,' which was adopted. Yeas 19—Nays 11.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Alston, Andress, Buford, Hall, King, Lea, McConnell, Oliver, Phillips, Ross and Wilson of F.

Mr Hall moved to lay the resolution upon the table; which was lost.

The question then recurred upon the adoption of the resolution as amended; which was carried.

On motion of Mr Toulmin, a bill to be entitled an act to enlarge the discretion of State Bank and its several branches, in securing debts, and authorizing them to appoint bank marshals if necessary, was taken from the table and placed among the orders of the day.

On motion of Mr Jones, a bill to be entitled an act to repeal so much of the venue law of this State as relates to criminal cases, was taken from the table and placed among the orders of the day.

On motion of Mr Terry, the joint resolutions of the General Assembly of the State of Alabama, in response to certain resolutions of the State of Maine, in relation to the northeastern boundary question, was taken from the table and placed among the orders of the day.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives, to be entitled an act to amend an act to incorporate the fireman's insurance company of Mobile, was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bills of the following titles, to wit:

An act to authorize rescinding a certain contract therein named:

An act to regulate damages in the supreme, circuit and county courts:

An act to amend the law in relation to judicial proceedings:

An act to amend the laws in regard to limitation of actions:

An act to create a sinking fund for the redemption of the five per cent bonds, issued by the State of Alabama:

An act to levy a special tax, for the county of Morgan:

Were severally read a third time and passed. Ordered, that their titles re-

main as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act supplementary to the attachment law of this State, to authorize attachments to issue on mortgages, deeds in trust, &c. in certain cases, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to change the time of holding the county court of the county of Tallapoosa, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to establish a private way for H. J. Y. Moss, to his landing on the Tombeckhee river, in the county of Washington, was read a second time, and on motion of Mr Creagh, referred to the committee on roads, bridges and ferries.

A bill to be entitled an act for the benefit of J. Hueri Hottinger, was read a second time, and on motion of Mr Lea, referred to the committee on the judiciary.

Joint resolutions requiring the comptroller of public accounts, to proceed to Washington city for the purpose of urging and collection all claims upon the government of the United States, growing out of the late Indian disturbances in this State, was read a second time. Mr McConnell moved its reference to a select committee, with Mr Reese as chairman; which was lost.

On motion of Mr McConnell, the words 'comptroller of public accounts,' was stricken out.

Mr Hall moved to postpone the resolution indefinitely; and the yeas and nays were demanded. Yeas 15—Nays 13.

Those who voted in the affirmative, are Messrs President, Andress, Dailey, Dent, Farrar, Hall, King, Lea, McVay, Oliver, Rice, Smith, Terry, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Buford, Clarke, Creagh, Hudson, Jones, McAllister, McConnell, Reese, Ross, Thornton, Toulmin, Turner, and Womack.

The resolution was postponed indefinitely.

Engrossed bill to be entitled, an act to compensate Little & Hopkins, for the passage and stores of sixty-four volunteer soldiers of Captain Martin and Taylor's companies from Mobile to Demopolis and James Town, on board the steamer Wanderer, was read a third time: the question was 'shall the bill pass?' and the yeas and nays were demanded. Yeas 18—Nays 13.

YEAS—Messrs Andress, Buford, Creagh, Dailey, Dent, Hudson, King, Lea, McAllister, McConnell, McVay, Oliver, Terry, Thornton, Toulmin, Wilson of F. Wilson of J. and Womack.

NAYS—Messrs President, Clarke, Farrar, Hall, Jones, Lloyd, Phillips, Reese, Rice, Rodgers, Ross, Smith, and Turner.

The bill passed. Ordered, that its title remain unchanged. Ordered, that it be sent to the House of Representatives for its concurrence.

Joint resolutions requiring all accounts against this State to be submitted to, and audited by the Comptroller of Public Accounts, was read a second time, and on motion of Mr Hudson, ordered to lay upon the table.

On motion of Mr Wilson of J. the Senate then adjourned.

TUESDAY, December 22, 1840.

The Senate met pursuant to adjournment.

Mr Womack introduced a bill to be entitled, an act to prevent persons from establishing negro quarters without keeping some white person on the premises; which was read the first time, and on motion of Mr Dent, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with, the bill was then read a second time, and on motion of Mr Dent, referred to a select committee, consisting of Messrs Dent, Womack, and Terry.

Mr Address introduced a bill making appropriations for the payment of the members of the General Assembly, and the officers of the two Houses; which was read a first time: the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives to be entitled, an act to declare the West Prong of the Choctawhatchee a public highway, was read a second time, and on motion of Mr Creagh; referred to the committee on internal improvement and inland navigation.

Engrossed bill from the House of Representatives to be entitled, an act to provide for the payment of grand and petit jurors of Dallas and Wilcox counties, was read a second time, and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled, an act to regulate the practice in the courts of chancery in this State, was read a second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Message from His Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Tuscaloosa, December 22, 1840. }

SIR—I have the honor to inform the Senate that a vacancy has occurred in the office of the judge of the county court of Lawrence county by the resignation of the Hon. Boling Baker, late judge of said court.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

Engrossed bill from the House of Representatives to be entitled, an act to incorporate the centenary institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the county of Dallas.

Mr Dailey moved to strike out the fourth section; which was lost. Yeas 2—Nays 29.

Those who voted in the affirmative, are Messrs President, and Dailey.

Those who voted in the negative, are Messrs Alston; Address, Creagh, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

On motion of Mr Phillips, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with: the bill was then read a third time and passed. Yeas 27—Nays 3.

Those who voted in the affirmative, are Messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Dailey, Rodgers, and Wilson of J.

Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Message from the House of Representatives, by Mr Phelan.

Mr President—The House of Representatives has adopted the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Tuesday the twenty-second instant, at half past three o'clock, for the purpose of electing a President and six Directors for the Branch Bank, at Montgomery.

In which the concurrence of the Senate is requested.

On motion of Mr Hall, 'Tuesday the twenty-second' was stricken out and 'Saturday the twenty-sixth instant,' inserted in lieu thereof.

The resolution, as amended, was then concurred in.

Engrossed bill from the House of Representatives to be entitled, an act to provide for the election of sheriff in certain cases, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled, an act to repeal that part of the military law which requires brigade encampment drills and for other purposes, was read a second time.

On motion of Mr Thornton, it was referred to a select committee, Messrs Thornton, Dent, and Alston, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled, an act to attach a part of the county of Butler to the county of Conecuh, was read a second time: the constitutional rule being dispensed with, it was read a third time and passed. Ordered, that the title remain unchanged. Ordered, that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled, an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a second time.

On motion of Mr Wilson of F. it was referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled, an act to incorporate the town of Jasper in the county of Walker, was read a second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill read a third time and passed. Ordered, that its title remain unchanged and that it be sent to the House of Representatives.

Engrossed bill from the House of Representatives to be entitled, an act to abolish and establish certain election precincts therein named, was read a second time.

Mr Clarke offered an amendment as an additional section; which was adopted.

Mr Hudson offered an amendment as an additional section; which was adopted.

Mr Smith offered an amendment as an additional section; which was adopted.

Mr Buford offered an amendment as an additional section; which was adopted.

On motion of Mr Dent, the orders of the day were suspended.



Mr Buford presented the petition of sundry citizens of the county of Barbour, the reading of which was dispensed with, and on motion referred to the committee on the judiciary.

Mr Dent introduced a bill to be entitled, an act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa, on the subject of slaves and free persons of color; which was read a first time: the constitutional rule being dispensed with, was read a second time, and referred to a select committee, consisting of Messrs Dent, McConnell, and Wilson of F.

Mr Phillips introduced a bill to be entitled, an act to change the time of holding the county courts of Dallas county; which was read and ordered to a second reading.

Mr McConnell offered the following preamble and resolution:

Whereas, economy in the management of the affairs of a nation, is at all times desirable: And whereas, the continuance of the Land Office at Mardisville, in the State of Alabama, is no longer justified by public convenience, or any other just public consideration, but involves the government in a useless expenditure of the public treasure: And whereas, it is highly desirable that a Land Office should be established in the Cherokee territory, belonging to this State: And whereas, the annexation of the Cherokee territory to the Coosa Land District, would not make a larger district than the Tallapoosa Land District:

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators and Representatives in Congress, be requested to use their best efforts to procure the removal of the Land Office at Mardisville, from its present location to some eligible place in the Cherokee territory.

*Resolved,* That his Excellency, the Governor of this State be requested to send a copy of this preamble and these resolutions to each of our Senators and Representatives in Congress.

Which were adopted.

Mr President laid before the Senate a communication of the Cashier of the Branch Bank, at Mobile, covering a statement of the accounts of the Directors of said Branch Bank.

On motion of Mr Hudson, it was referred to the committee on accounts and claims.

Mr Wilson of F. introduced a bill to be entitled, an act concerning elections for representatives to the Congress of the United States; which was read a first time, and the constitutional rule was dispensed with, and the bill read a second time.

On motion of Mr Wilson of F. it was referred to the committee on privileges and elections.

Mr Hudson asked and obtained leave of absence for Mr Lea, for an indefinite length of time.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled, an act making appropriations for the payment of certain claims against the State:

A bill to be entitled, an act to authorize the tax collector and the clerk of the county court of Tallapoosa county, to receive in payment of public dues, certain certificates therein named.

Mr Terry from the committee on the State Bank, to which was referred a

resolution instructing them to inquire into the expediency of winding up the Branch of the Bank of the State of Alabama, at Mobile, reported the same as inexpedient. In which the Senate concurred.

Mr Terry from the same committee, to which was referred a bill to be entitled, an act to dispense with protest and notice, in certain cases, reported the same to the Senate without amendment, or recommendation: the bill was placed among the orders of the day:

Mr Terry from the same committee, to which was referred an engrossed bill from the House of Representatives entitled, an act in relation to bonds given by officers of the Bank of the State of Alabama and its several Branches, reported the same to the Senate without amendment and recommended its passage.

The bill was then placed among the orders of the day.

Mr Terry from the same committee to which was referred a bill to be entitled an act concerning the duties of the president and directors of the State bank and Branches, reported the same to the Senate without amendment and recommended its passage.

The bill was placed among the orders of the day.

Mr Terry from the same committee to which was referred a bill to be entitled, an act to limit the indebtedness of all persons to the Bank of the State of Alabama and its several Branches, reported that it was inexpedient to pass the same.

The bill was then placed among the orders of the day.

Mr Cottrell offered the following resolution:

*Resolved*, That the Senate will meet hereafter at half past nine o'clock in the morning, and at half past three o'clock in the afternoon, until further ordered by the Senate.

On motion of Mr Terry it was laid upon the table.

Mr Alston from the committee on divorce and alimony, to which was referred a bill to be entitled, an act to divorce William G. Haun from his wife Catherine Haun, reported the same back to the Senate and recommended its passage: which was placed among the orders of the day.

On motion of Mr Turner, the vote adopting the resolution of the House of Representatives proposing to go into the election of a President and six Directors for the Branch Bank at Montgomery, on Saturday the twenty-sixth instant, was reconsidered.

On motion of Mr. Turner, the resolution was amended by striking out 'Saturday, the 26th,' and inserting in lieu thereof, 'Monday, 28th.'

The resolution as amended, was then adopted.

The Senate then resumed the consideration of the bill to be entitled an act to abolish and establish certain election precincts therein named.

Mr Hall moved to amend by an additional section; which was adopted.

Mr Jones offered an amendment as an additional section, which was adopted.

Mr Womack offered to amend the bill with an additional section; which was adopted.

Mr King offered to amend the bill with an additional section; which was adopted.

On motion of Mr Creagh, the constitutional rule was dispensed with, and the bill read a third time.

Mr Alston moved to lay it upon the table; which was lost.

Mr Alston offered the following amendment, by way of engrossed rider, to

wit: '*And be it further enacted*, That additional precincts be established in the county of Marengo, one at the house of Bailey Maness, and one at McKinley, in said county,' which was adopted.

The bill was then read the third time and passed. Ordered, that the title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence. Engrossed bills of the following titles, to wit:

An act to appoint a justice of the peace in the town of Troy, in the county of Pike:

An act explanatory of an act entitled an act for the extension of debts due the bank of the State of Alabama and its several branches, the issuance of post notes, and other purposes, approved Feb. 3, 1840:

An act to authorize the judge and commissioners of roads and revenue of Autauga county, to levy a tax:

An act to establish certain precincts therein named:

An act in relation to the sixteenth section, in township ten, of range five, in the county of Wilcox:

An act regulating the fees of bank attorneys, in collections from the purchasers of sixteenth sections:

An act to amend the charter of the Tuscumbia, Courtland and Decatur rail road company, and for other purposes:

An act to authorize the judge and commissioners of roads and revenue of Russell county, to levy a tax for county purposes:

An act supplementary to the attachment laws of this State, authorizing attachments to issue on mortgages, deeds in trust, &c. in certain cases:

An act to change the time of holding the county court of the county of Tallapoosa:

Were severally read the third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House for their concurrence.

Engrossed bill from the House of Representatives to be entitled an act to extend the time for the collection of the county, school and road tax in the county of Mobile, for the year 1840, was read a second time, and the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of William Tell Dean, and for other purposes, was read a second time, and ordered to a third reading.

A bill to be entitled an act imposing certain duties on the Secretary of State, was read a third time.

Mr Hudson moved to fill the blank of said bill with two hundred and fifty dollars; which was lost:

Mr Wilson of F. moved to fill it with one hundred.

Mr Rice moved to fill with two hundred dollars; which was lost. Yeas 12 — Nays 19.

Those who voted in the affirmative, are Messrs President, Clarke, Dent, Hudson, Jones, McConnell, McAllister, Rice, Smith, Thornton, Toulmin and Turner.

Those who voted in the negative, are Messrs Alston, Andress, Buford, Creagh, Dailey, Farrar, Hall, King, Lloyd, McVay, Oliver, Phillips, Reese, Ross, Terry, Watrous, Wilson of F. Wilson of J. and Womack.

Mr Rice then moved to fill the blank with one hundred and seventy five dollars; which prevailed.

The question was then put, shall the bill pass? which was decided in the affirmative. Yeas 19—Nays 10.

Those who voted in the affirmative, are Messrs President, Alston, Clarke, Dent, Hudson, Jones, King, Lloyd, McAllister, Oliver, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Address, Creagh, Dailey, Farrar, Hall, McConnell, McVay, Reese, Terry and Watrous.

Ordered, that the title remain as aforesaid. Ordered, that it be sent to the House of Representatives for its concurrence.

A bill to be entitled an act to authorize the emancipation of a certain slave therein named, was read a second time.

Mr Hudson moved to strike out so much of said bill as permits the slave to remain in the State.

Mr Terry moved to postpone the bill indefinitely; which was carried. Yeas 20—Nays 9.

Those who voted in the affirmative, are messrs President, Address, Buford, Clarke, Dent, Hudson, Jones, King, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Creagh, Dailey, Farrar, Hall, McVay, Reese, Ross and Womack.

A bill to be entitled an act to incorporate the Coosa bridge company, passed in 1836, and an act amendatory of said act, passed in 1839 and 1840, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to alter the time of holding the spring term of the circuit court, in certain counties therein named, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act the better to preserve the records of the several courts in this State, was read a second time.

On motion of Mr Terry, the bill was amended by adding the words 'or additions thereto.' The bill was then ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, was read a second time, and on motion of Mr Hudson, postponed until half-past three o'clock, this evening.

A bill to be entitled an act to enlarge the discretion of the State bank and its several branches, in securing debts, and to authorize them to appoint bank marshals, if necessary, was read a second time.

Mr Phillips offered the following proviso, to come in at the end of the first section, to wit: 'and such bond shall not become void by reason of one or more recoveries, but the same may be put in suit and recovered on, as often as cause of action may arise,' and strike out the three last lines of the seventh section; which was adopted.

Mr Alston moved to amend, by striking out all after the word 'more,' in the thirteenth line of the fifth section.

On motion of Mr Hall the bill was referred to a select committee consisting of messrs Hall, Toulmin and McConnell.

A bill to be entitled an act to repeal so much of the venue law of this



State as relates to criminal cases, was read a second time. Mr Terry moved to postpone it indefinitely; and the yeas and nays were demanded. Yeas 21—Nays 6.

Those who voted in the affirmative, are messrs President, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Lloyd, McAllister, McVay, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative are, messrs Andress, Hudson Jones, King and Oliver.

The bill was postponed indefinitely.

Joint resolutions of the General Assembly of the State of Alabama in response to certain resolutions of the State of Maine in relation to the North-eastern boundary question were read; and the yeas and nays were demanded upon their adoption. Yeas 27—Nays 1.

YEAS—messrs President, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack,

Mr Jones voted in the negative.

The resolutions were adopted.

Mr Dent moved to suspend the orders of the day; which was lost.

Mr Terry moved that the Senate adjourn—upon which motion Mr Hall demanded the yeas and nays. Yeas 10—Nays 19.

YEAS—messrs Alston, Buford, King, McAllister, Rice, Smith, Terry, Thornton, Toulmin and Turner.

NAYS—messrs President, Andress, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Watrous and Womack.

The Senate refused to adjourn.

Engrossed bill from the House of Representatives to be entitled an act to form a company beat in the county of Marshall, and for other purposes, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Tipton male and female academy, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chatahoochie river, in the town of Irwinton, Barbour county, approved December 23d, 1837, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act for locating the seat of justice of Washington county, and for other purposes, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Eutaw, in Greene county, was read a second time and ordered to a third reading.

A bill to be entitled an act to dispense with protest and notice in certain cases, was read a second time—and on motion of Mr Phillips, referred to a select committee. messrs Phillips, Terry and Creagh, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act in relation to bonds given by the officers of the Bank of the State of Alabama

and its several Branches, was read a second time. The constitutional rule being dispensed with, the bill was read a third time, and passed. Ordered, that the title remain unchanged.

A bill to be entitled an act concerning the duties of the President and Directors of the State Bank and Branches, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to limit the indebtedness of all persons to the Bank of the State of Alabama and its several Branches, was read a second time, and on motion of Mr Jones laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to divorce William G. Haun from his wife Catharine Haun, was read a second time and ordered to a third reading—which finished the orders of the day.

On motion of Mr Smith the Senate adjourned.

WEDNESDAY, December 23d, 1840.

The Senate met pursuant to adjournment.

Mr Phillips from the committee on propositions and grievances, to whom was referred the memorial of Miss Mary McKerley and Sisters, accompanied with a specimen of silk, manufactured by themselves; also, a resolution of enquiry into the propriety of allowing the memorialists some boon as a reward for this specimen of industry and ingenuity, as well as the propriety of holding out some encouragement to others hereafter producing similar fabrics,—reported a joint resolution authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerley and Sisters; which was read a first time. On motion of Mr Phillips, the constitutional rule was dispensed with, the resolution read a second time, and ordered to be engrossed for a third reading.

Mr McVay from the committee on propositions and grievances, to which was referred a bill to be entitled an act to repeal in part an act approved December, 1837, entitled an act better to regulate the taxing of pedlers and shows, reported the same back to the Senate, as inexpedient to be passed. The bill was placed among the orders of the day.

Mr Hudson from the committee on accounts and claims, to whom was referred the claim of Alexander Sample, late sheriff of Autauga county, for services rendered and money expended in searching for and apprehending Daniel Coker, Jefferson Coker, and James Coker, charged with the murder of William P. Glover, reported the same back to the Senate, as not being authenticated in that way so as to satisfy your committee that it is properly a State charge; they therefore ask leave to be discharged from the further consideration thereof. On motion of Mr Hall the account was recommitted to the committee on accounts and claims.

Mr Hudson from the same committee, to whom was referred the claim of P. S. Richardson for medical services to Echée Hadjo, an Indian, confined in the jail of Chambers county, reported the same back to the Senate as not being in their opinion a State charge; they therefore ask leave to be discharged from its further consideration. In which the Senate concurred.

Mr Phillips from the committee on privileges and elections, to whom was referred a special message of his Excellency the Governor on the subject of providing by law for a special election of members of Congress, reported a bill for that purpose, and recommended its passage.

A bill to be entitled an act to authorize the Governor to order a special election for Representatives to the Congress of the United States in a certain contingency, was read a first time.

On motion of Mr Phillips, the constitutional rule was dispensed with; the bill read a second time forthwith, and ordered to be engrossed for a third reading.

Mr Hall from the select committee to which was referred a bill to be entitled, an act to enlarge the discretion of the Directors of the State Bank and its several Branches in securing debts, and to authorize them to appoint Bank marshals, if necessary, reported the same back to the Senate and recommended its passage. The bill was then placed among the orders of the day.

Mr Dent from the select committee to which was referred a bill to be entitled an act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa in the management of slaves and free persons of color, reported the same back to the Senate and recommended its passage, which was placed among the orders of the day.

Mr Dent from the select committee to whom was referred a bill to be entitled, an act to prevent persons from establishing negro quarters without keeping some white person on the premises, reported the same back to the Senate with the following amendment, to wit: strike out the word "bill" where it occurs in the third line from the bottom, and insert the word "act" in lieu thereof, and thus amended, recommended its passage. The amendment was adopted, the bill read a second time, and on motion of Mr McConnell referred to a select committee. messrs McConnell, Rice and Terry were appointed said committee.

Mr King from the select committee to whom was referred a bill from the House of Representatives, to be entitled an act to alter the mode of collecting the tax in the county of Pickens, reported the same back to the Senate amended as therein shewn, and recommended its passage. The amendments reported by the committee were adopted, and the bill read a second time.

On motion of Mr King, the constitutional rule was dispensed with, the bill read a third time and passed.

Ordered, that its title remain as aforesaid, and that it be sent to the House for their concurrence.

On motion of Mr Terry,

*Resolved*, by the Senate, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House this day, 23d December, at 4 o'clock, p. m. for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama, at Mobile.

Mr Dent offered the following resolution:

*Resolved*, that with the concurrence of the House of Representatives, the two houses will assemble in the Representative Hall on Wednesday evening next, the 24th inst. at 7 o'clock p. m. for the purpose of electing a President and six Directors for the Bank of the State of Alabama.

On motion of Mr Hall the resolution was amended by striking out the words 'Wednesday, 24th' and '7,' and inserting in lieu thereof, 'Monday 28th' and '4.'

The question then recurred on the adoption of the resolution—which prevailed.

Mr Reese introduced a bill to be entitled an act to compensate James

Thompson for public services, which was read and ordered to a second reading.

Mr Thornton from the committee on the judiciary, to which was referred the petition of sundry citizens of Franklin county, to have refunded to them certain money alledged to have been paid by them under judgment in favor of the University of Alabama, on the grounds chiefly, that the same was paid under an ignorance of the law as it was afterwards settled by the Supreme Court of the State; and that they have failed in actions at law to recover back the same on account of the application of legal principles to their demands, reported to the Senate that the allegations contained in the petition, if true, present a case of hardship; but as the case is one which involves no legal question, and is an appeal merely to the generosity of the Legislature, they direct me to return the petition for such instructions as the Senate may see cause to give in relation to the introduction of a bill, or to be discharged from the further consideration of the matter.

On motion of Mr Terry, the report was ordered to lie upon the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to alter and amend the laws in relation to bills of exchange and promissory notes, returned the bill without amendment, and reported it inexpedient. The bill was placed among the orders of the day.

The judiciary committee to which was referred a bill to be entitled an act to incorporate the Stockton steamboat and warehouse company, reported the following amendment, to wit: "And provided further, that the Legislature may repeal this act, if thought advisable, after ten years from the passage thereof."

The amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendment made by the Senate to the bill to amend an act entitled an act to incorporate the Fireman's Insurance Company of Mobile.

The House recedes from its disagreement to the amendment made by the Senate to the bill to authorize Henry Hunter to erect a toll gate, or gates, upon that part of the public road, which runs through his land, &c.

The House has also adopted the following resolution:

*Resolved*, That the Senate be respectfully requested to transmit to the House of Representatives, the report of the Commissioners of the Coosa river.

Which resolution was concurred in by the Senate.

Mr Thornton from the judiciary committee, to which was referred a bill to be entitled an act limiting the application of an act entitled an act abolishing imprisonment for debt, reported the same back to the Senate as inexpedient to be passed. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred an act for the relief of Francis Augustine De Malempre, reported the same back to the Senate; which was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to authorize summary proceedings against sheriffs in certain cases, reported the same back to the Senate as inexpedient to be passed. The bill was placed among the orders of the day.



On motion of Mr Buford, the report of the committee on Indian expenditures in relation to the account of Buford and Johnson, assignees of Wm. Y. Pryer, was taken from the table.

The question was then upon concurring in the report of the committee, which was carried.

Mr Rodgers asked leave of absence for Mr Wilson of F. until Monday next, which was granted.

Mr Phillips from the select committee, to whom was referred a bill to be entitled an act to dispense with notice and protest in certain cases, reported the same back to the Senate amended as therein shewn, and recommended its passage. The amendment reported by the committee was adopted by the Senate, the bill was then read a second time and ordered to be engrossed for a third reading.

Mr Buford asked leave to withdraw the account of Buford and Johnson, and accompanying documents, which was granted.

Mr Phillips from the special committee, to whom was referred a bill to be entitled an act to incorporate and extend the powers of the Alabama medical society, reported the same back to the Senate and recommended its passage: which was placed among the orders of the day.

Mr Hall presented the account of W. L. & B. C. Yancey, which was referred to the committee on accounts.

Mr Creagh presented the petition of sundry citizens of the county of Washington, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Dent from the select committee to which was referred a bill to be entitled an act to repeal that part of the military law which requires brigade encampment drills, and for other purposes, reported that they had amended the same by adding thereto an additional section, which was adopted. The bill was then read a second time.

Mr King offered the following proviso to the amendment, to wit: "Provided, the provisions of this section shall not extend to the thirty-fourth and fifty-ninth regiments, fifth brigade, and second division;" which was lost.

Mr Creagh moved the indefinite postponement of the bill, which was lost. Yeas 6—Nays 21.

Those who voted in the affirmative are, Messrs President, Alston, Address, Creagh, Dailey and Reese.

Those who voted in the negative are, Messrs Buford, Clarke, Dent, Farrar, Hall, Hudson, Jones, King, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Thoratton, and Wilson of J.

Mr Hudson moved to dispense with the constitutional rule, with a view of giving the bill a third reading forthwith, which was lost. The bill was then ordered to a third reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, which was the special order, was read a second time.

Mr Wilson of J. moved to postpone it indefinitely, which was lost. Yeas 12—Nays 15.

Those who voted in the affirmative, are Messrs President, Buford, Clarke,

Creagh, Dailey, Dent, Farrar, McVay, Oliver, Smith, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Hudson, Jones, Lloyd, McAllister, McConnell, Phillips, Reese, Rice, Rodgers, Ross, Terry, Thornton, and Toulmin.

Mr McConnell called for the previous question, upon which the yeas and nays were demanded. Yeas 13—Nays 13.

Those who voted in the affirmative, are messrs President, Buford, Clarke, Dailey, Dent, Hudson, Lloyd, McConnell, McVay, Oliver, Phillips, Reese, and Rice.

Those who voted in the negative, are messrs Creagh, Farrar, Jones, King, McAllister, Rodgers, Ross, Smith, Terry, Toulmin, Turner and Wilson of J.

Mr Wilson of J. moved to strike out the third section, which was carried. Yeas 25—Nays 2.

Those who voted in the affirmative, are messrs President, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are messrs Hudson, and Lloyd.

Mr Turner moved to refer the bill to a select committee, which was carried. Yeas 17—Nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dent, Farrar, Hall, McAllister, McVay, Oliver, Smith, Terry, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are Messrs Dailey, Hudson, Jones, King, Lloyd, McConnell, Phillips, Reese, Rice, Rodgers, Ross, and Thornton.

Messrs Turner, McConnell and Thornton, were placed on the said committee.

Engrossed bill to be entitled an act making appropriations for the payment of the members of the General Assembly and the officers of the two houses, was read a third time.

Mr McConnell moved to lay the bill upon the table, and demanded the yeas and nays. Yeas 2—Nays 26.

Those who voted in the affirmative, are messrs Dailey and McConnell.

Those who voted in the negative, are messrs President, Alston, Andress, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner and Wilson of J.

The motion was lost.

Mr McConnell moved to postpone the bill indefinitely, and called for the yeas and nays. Yeas 1—Nays 26.

Mr McConnell voted in the affirmative.

Those who voted in the negative, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner and Wilson of J.

The motion failed.

The bill was then passed. Ordered, that its title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

On motion of Mr King, the Senate adjourned.

THURSDAY, December 24, 1840.

The Senate met pursuant to adjournment.

Mr Toulmin presented a petition from the President and Directors of the Bank of Mobile, the reading of which was dispensed with, and on motion referred to the committee on the State Bank.

Mr McAllister from the committee on Indian expenditures to which was referred the account of John A. Campbell, reported the same as inexpedient, and asked to be discharged from the further consideration thereof. The committee were discharged.

On motion of Mr McConnell, the account was referred to a select committee. Messrs McConnell, Phillips and Dent, were appointed on the committee.

Mr McAllister from the same committee, to whom was referred a bill for the relief of Spartan Allen, reported the same to the Senate as inexpedient. The bill was placed among the orders of the day.

Mr McAllister from the same committee, to which was referred a bill for the relief of Jethro D. Conway, reported the same to the Senate as inexpedient. The bill was placed among the orders of the day.

Mr Thornton introduced a bill to be entitled an act for the relief of the Greensborough light artillery guards, which was read and ordered to a second reading.

Mr Cottrell introduced a bill to be entitled an act changing the names of Caroline Crow, and others; and making them heirs of George Pylant, of Lowndes county; which was read the first time, the constitutional rule being dispensed with, was read a second time, and on motion of Mr Cottrell, the constitutional rule was further dispensed with, and the bill read a third time forthwith, and passed the Senate. Ordered, that its title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

Mr Cottrell introduced a bill to be entitled an act prescribing the duties of assessors and tax collectors; which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and on motion of Mr Clarke, referred to the judiciary committee.

Engrossed bill to be entitled an act to dispense with protest and notice in certain cases, was read a third time and passed. Ordered, that the title remain as aforesaid, and that the same be sent to the House of Representatives for its concurrence.

Engrossed bills of the following titles, to wit:

An act to amend an act entitled an act to incorporate the Coosa, passed in 1836; and, an act amendatory of said act, passed in 1839 and '40:

An act the better to preserve the records of the several courts in this State:

Were each read a third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to provide for the election of sheriffs, in certain cases:

An act to form a company beat in the county of Marshall, and for other purposes:

An act to incorporate the Tipton male and female academy:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county, approved, December 23, 1837.

An act to incorporate the town of Eutaw in Greene county:

Were severally read a third time and passed: Ordered, that their titles remain as aforesaid.

Ordered, that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act to change the times of holding the county courts of Dallas county, was read a second time, and the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that its title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill from the House of Representatives to be entitled an act to change the name of William Tell Dean, and for other purposes, was read a third time and passed. Ordered, that its title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act imposing certain duties on the Secretary of State, was read a third time, and the question was, 'shall the bill pass?' which was decided in the affirmative. Yeas 15—Nays 11.

Those who voted in the affirmative, are messrs President, Alston, Andress, Clarke, Dent, King, McAllister, McConnell, Rice, Ross, Smith, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative, are messrs Creagh, Dailey, Farrar, Hall, Lloyd, McVay, Phillips, Reese, Rodgers, Terry and Watrous.

Ordered, that the title of the bill remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to alter the time of holding the spring term of the circuit court in certain counties therein named, was read a third time and on motion of Mr Reese, referred to a select committee: Whereupon, messrs Reese, Dailey and Buford, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act for locating the seat of justice for Washington county, and for other purposes, was read a third time, and on motion of Mr Creagh, ordered to lie upon the table.

Engrossed bill to be entitled an act concerning the duties of the President and Directors of the State Bank and Branches, was read a third time and passed. Yeas 25—Nays 1.

Those who voted in the affirmative, are messrs President, Alston, Andress, Clarke, Creagh, Dailey, Dent, Farrar, Hall, King, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Wilson of J. Watrous and Womack.

Mr Rodgers voted in the negative.

Ordered, that the title of the bill remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

Engrossed bill from the House of Representatives to be entitled an act to divorce William G. Haun from his wife Catherine Haun, was read a third time and passed by yeas and nays. Yeas 21—Nays 5.

Those who voted in the affirmative, are messrs President, Alston, Clarke, Farrar, Hall, King, Lloyd, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Watrous, Wilson of J. and Womack.



Those who voted in the negative, are messrs Address, Creagh, Dailey, Dent, and Reese.

Ordered, that the title of the bill remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of peddlers and shows, was read a second time, and on motion of Mr Phillips, indefinitely postponed. Yeas 17—Nays 10. The yeas and nays being desired,

Those who voted in the affirmative, are messrs President, Address, Clarke, Creagh, Dailey, Dent, Hudson, Lloyd, McAllister, McVay, Phillips, Ross, Terry, Thornton, Turner, Watrous and Womack.

Those who voted in the negative, are messrs Alston, Farrar, Hall, McConnell, Reese, Rice, Rodgers, Smith, Toulmin and Wilson of J.

A bill to be entitled an act to enlarge the discretion of the State Bank and its several Branches in securing debts, and to authorize them to appoint Bank marshalls, if necessary, was read a second time.

The question being on the adoption of the amendment heretofore offered by Mr Alston to said bill.

Mr Reese moved its reference to the judiciary committee, with the following instructions, to wit: that they inquire if it be consistent with the constitution of the State, to appoint in the State, an officer whose duty is identical with that of the sheriffs of the different counties; which was carried. Yeas 13—Nays 12. The yeas and nays being desired,

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dailey, Farrar, King, McAllister, McVay, Reese, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted in the negative, are messrs Address, Dent, Hudson, Hall, Lloyd, Phillips, Rice, Ross, Smith, Terry, Toulmin and Turner.

Message from the House of Representatives by Mr Phelan:

Mr President.—The House of Representatives has passed bills of the following titles:

An act to organize and establish patrol laws in the county of Baldwin:

An act for the benefit of Robert Mitchell:

In which the concurrence of the Senate is requested.

An act authorizing the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

The House has concurred in the amendment made by the Senate to their resolution proposing to go into the election of a President and six Directors for the Montgomery Bank, on Tuesday, 22d inst.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Robert Mitchell, was read a first time, and the constitutional rule being dispensed it, was read a second time, and on motion of Mr Terry, referred to the committee on accounts and claims.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

An act to organize and establish patrol laws for the county of Baldwin:

Were each read and ordered to a second reading.

A bill to be entitled an act to enlarge the jurisdiction of the Mayor of the city of Tuscaloosa, on the subject of slaves and free persons of color, was read a second time, and on motion of Mr Turner, amended by inserting the word 'seal' words 'of contract.' The bill was then ordered to be engrossed for a third reading.

A bill to be entitled an act to alter and amend the law in relation to bills of exchange and promissory notes, was read a second time, and on motion of Mr Phillips, was ordered to lie upon the table.

A bill to be entitled an act for the relief of Francis Augustus De Malempre, was read a second time, and on motion of Mr Hudson, was ordered to lie upon the table.

A bill to be entitled an act limiting the application of an act entitled an act to abolish imprisonment for debt, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize summary proceedings against sheriffs in certain cases therein mentioned, was read a second time, and the Senate refused to order it to a third reading.

A bill to be entitled an act to incorporate and extend the power of the Alabama Medical Society, was read a second time, and ordered to be engrossed for a third reading.

Engrossed joint resolutions authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerley and sisters, was read a third time and passed. The Senate ordered that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to authorize the Governor to order a special election for representatives to the Congress of the United States, in a certain contingency, was read a third time.

On motion of Mr Phillips, the blank in the bill was filled with the word 'thirty;' and the question was then put, 'shall the bill pass?' which prevailed. Ordered, that its title remain unchanged, and that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to alter the mode of assessing and collecting the tax for the county of Pickens and for other purposes, was read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to incorporate the Stockton steamboat and warehouse company, was read a third time.

Mr Hudson offered an amendment by way of engrossed rider, to wit: 'Provided, nothing in this act shall be so construed as to authorize banking powers; which was adopted.

The bill was then passed. Ordered, that its title remain unchanged.

A bill to be entitled an act to compensate James Thompson for public services, was read a second time, and on motion of Mr Reese, referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives to be entitled an act to repeal that part of the militia law which requires brigade encampment drills, and for other purposes, was read a third time.

Mr Creagh offered an amendment as an additional section, to wit:

*Be it further enacted,* That the provisions of the foregoing act shall not take effect or be in force until the first day of January, 1842; which was lost.

The yeas and nays were demanded upon the passage of the bill. Yeas 22—Nays 6.

Those who voted in the affirmative, are Messrs Address, Clarke, Farrar, Hall, Hudson, King, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Ross, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Creagh, Dailey, Dent and Watrous.

The bill was passed. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

The bill for the relief of Spartan Allen, was read a second time, and ordered to be engrossed for a third reading.

The bill to be entitled an act for the relief of Jethro D. Conway, was read a second time and ordered to be engrossed for a third reading; which finished the orders of the day.

Mr Hudson, from the committee on accounts and claims, to which was referred the certified accounts of the Directors of the Branch of the Bank of the State of Alabama at Decatur, and of the branch bank at Mobile, reported a bill allowing the same, entitled an act for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840; which was read and ordered to a second reading.

Mr Hudson, from the same committee, to which was referred the claims of sundry persons against the State, reported a bill making appropriations for the payment of the same as therein shewn; which was read a first time. On motion of Mr Hudson, the constitutional rule requiring bills to be read on three several days, was dispensed with, and the bill was read a second time forthwith, and ordered to be engrossed for a third reading.

On motion of Mr Terry, the vote was reconsidered referring an engrossed bill from the House of Representatives, entitled an act for the benefit of Robert Mitchell.

Mr Terry then withdrew the motion to refer.

Mr McVay offered an amendment, to wit: 'it being half the assessed value of said slave, which was executed in pursuance of law;' which was adopted.

The bill was then read a second time, and on motion of Mr Reese, the constitutional rule was dispensed with, and the bill read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

Mr Oliver introduced a bill to be entitled an act to change the name of Jesse Borett, and for other purposes, which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and on motion of Mr Oliver, referred to the committee on propositions and grievances.

On motion of Mr Wilson of J. a bill was ordered to be taken from the table entitled an act for the relief of the Florence bridge company. The question was upon filling the blank with 'four,' which was lost.

On motion of Mr Clarke, the bill was laid upon the table.

Mr Dent moved that when the Senate adjourn, it will adjourn until Saturday morning ten o'clock.

Mr King moved to amend the motion by moving that the Senate will adjourn until Monday ten o'clock, A. M. upon which the yeas and nays were demanded. Yeas 6—Nays 22.

Those who voted in the affirmative, are *Messrs* Address, King, Reese, Rice, Thornton and Watrous.

Those who voted in the negative, are *Messrs* President, Alston, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Hudson, Lloyd, McAllister, McVay, Oliver, Phillips, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of J. and Womack.

The motion failed.

The question then recurred upon the motion to adjourn until Saturday, and the yeas and nays were demanded. Yeas 11—Nays 17.

Those who voted in the affirmative, are *Messrs* President, Clarke, Dent, Farrar, Lloyd, Reese, Rodgers, Smith, Terry, Thornton and Wilson of J.

Those who voted in the negative, are *Messrs* Alston, Address, Creagh, Dailey, Hall, Hudson, King, McAllister, McVay, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Watrous and Womack.

The motion failed.

Mr Phillips moved to reconsider the vote refusing to adjourn until Saturday morning, upon which the yeas and nays were demanded. Yeas 17—Nays 11.

Those who voted in the affirmative, are *Messrs* President, Clarke, Farrar, Hall, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Watrous and Wilson of J.

Those who voted in the negative, are *Messrs* Alston, Address, Creagh, Dailey, Dent, Hudson, King, Reese, Ross, Turner and Womack.

The motion prevailed.

Mr Turner moved to reconsider the vote to adjourn until Monday morning next, and the yeas and nays were demanded. Yeas 12—Nays 15.

Those who voted in the affirmative, are *Messrs* Dent, Hall, King, Reese, Rice, Rodgers, Terry, Thornton, Turner, Watrous, Wilson of J. and Womack.

Those who voted in the negative, are President, Alston, Address, Clarke, Creagh, Dailey, Farrar, Hudson, Lloyd, McAllister, McVay, Oliver, Ross, Smith and Toulmin.

The motion was lost.

The question then recurred upon the motion to adjourn until Saturday morning, and the yeas and nays were demanded. Yeas 19—Nays 9.

Those who voted in the affirmative, are *Messrs* President, Address, Clarke, Dent, Farrar, Hall, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Watrous and Wilson of J.

Those who voted in the negative, are *Messrs* Alston, Creagh, Dailey, Hudson, King, Reese, Ross, Turner and Womack.

The motion, that when the Senate adjourn, it will adjourn until Saturday morning ten o'clock, prevailed.

Mr Dailey offered the following resolution:

*Resolved*, That the committee on divorce and alimony be requested to inquire into the propriety of releasing both parties (except in certain cases) where divorces are granted, and giving them the privilege to marry again, and that they report by bill or otherwise.

Which was lost.

On motion of Mr Terry the Senate then adjourned.



SATURDAY, Dec. 26, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a document in relation to the contested election from Sumter county, the reading of which was dispensed with, and on motion of Mr Dent, laid upon the table.

Mr Hudson presented the account of Joel White, which was referred to the committee on accounts and claims.

Mr Dent presented the account of J. J. Foster, which was referred to the committee on accounts and claims.

Mr Wilson of J. presented the petition of sundry citizens of Jackson county, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Hudson from the committee on accounts and claims, to whom was referred a bill to be entitled an act to compensate James Thompson for public services, together with the petition of said Thompson, and the accompanying documents, reported a substitute for said bill, which they respectfully recommend to the consideration of the Senate. On motion of Mr Hudson, the bill and report was laid upon the table.

Mr Hudson from the same committee, to which was recommitted the claim of Alexander Sample, late sheriff of Autauga county, for services rendered and money expended in searching for and apprehending Daniel Coaker, Jefferson Coaker and James Coaker, charged with the murder of William P. Glover, reported the same back to the Senate as not being so made out and authenticated as to satisfy your committee that said claim is a State charge, and from the indefinite manner in which said account was made out, the committee were of opinion that it ought not to be allowed, and respectfully ask to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Phillips introduced a bill to be entitled an act for the relief of Matthew D. Thompson, which was read and ordered to a second reading.

Mr Buford introduced a bill to be entitled an act to alter the time of holding the county court of Barbour county, which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, the rule was further dispensed with, the bill read a third time and passed. Ordered, that the title remain as foresaid, and that it be sent to the House of Representatives for their concurrence.

Mr Toulmin introduced a bill to be entitled an act to establish a road court in the county of Mobile, which was read a first time, the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed for a third reading.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act for the relief of the Greensborough Light Artillery Guards, which was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the commissioners of township sixteen, range seventeen of Montgomery county, to erect a suitable building for an academy, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to organize and establish patrol laws for the county of Baldwin, was read a second time, and the constitutional rule being dispensed with, the bill was read the third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bills of the following titles, to wit:

An act to incorporate and extend the powers of the Alabama medical society:

An act limiting the application of an act, entitled an act to abolish imprisonment for debt:

An act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa on the management of slaves and free persons of color:

An act exempting the citizens of the within named townships of Autauga county from the operation of the sixteenth section law passed at the session of 1839—'40:

Were severally read a third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled, an act for the relief of Spartan Allen, was read a third time.

On motion of Mr Clarke, the blank was filled with 'one hundred and fifty:' the question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 13—Nays 12.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Hudson, Hall, King, McAllister, McConnell, Rice, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Dailey, Dent, Farrar, Lloyd, McVay, Oliver, Rodgers, Ross, Terry, Thornton, and Watrous.

Ordered, that the title of the bill remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled, an act for the relief of Jethro D. Conway, was read a third time and lost. Yeas 10—Nays 11.

Those who voted in the affirmative, are Messrs Clarke, Creagh, Hudson, King, McAllister, McConnell, Rice, Rodgers, Toulmin, and Turner.

Those who voted in the negative, are Messrs President, Alston, Address, Dailey, Dent, Farrar, Hall, Lloyd, McVay, Oliver, Ross, Terry, and Watrous.

A bill to be entitled, an act for the payment of the Directors of the Bank of the State of Alabama and its several Branches for the year 1840, was read a second time, and recommitted to the committee on accounts and claims on the motion of Mr Hudson.

Mr Turner moved to reconsider the vote taken on ordering a bill to be entitled, an act making appropriations for the payment of certain claims against the State, to be engrossed for a third reading; which was carried.

Mr Hall moved to amend the bill by striking out the word 'three' where it occurs between the words 'of' and 'Dollars' in the account of A. R. Thomas for services rendered the State in taking care of the Capitol; which was lost. Yeas 11—Nays 13.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, McConnell, Terry, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dent, Hudson, King, Lloyd, McAllister, Oliver, Rice, Rodgers, Ross, Smith, and Thornton.

Mr Hall moved to refer the bill to a select committee; which was lost.

The bill was then ordered to be engrossed for a third reading.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendment made by the Senate to the bill to abolish and establish certain election precincts therein named.

The House has also adopted the joint resolutions of the General Assembly of the State of Alabama, in response to certain resolutions of the State of Maine in relation to the Northeastern Boundary question; which originated in the Senate.

Mr Smith presented the account of Burke & Lowrey: the reading of which was dispensed with, and referred to the committee on Indian expenditures.

Mr Wilson presented the petition of sundry citizens of Jackson county, the reading of which was dispensed with, and referred to the committee on education.

Mr Terry introduced a bill to be entitled, an act concerning county court judges; which was read a first time.

Mr Terry moved to dispense with the constitutional rule; which was lost. The bill was then ordered to a second reading.

Mr Smith introduced a joint resolution in relation to defining the lines of Cherokee county; which was read a first time.

Mr Clarke moved to lay the resolution on the table; which was lost.

The resolution was then ordered to second reading.

Mr Dent introduced a bill to be entitled, an act to attach a part of the county of Fayette to the county of Tuscaloosa; which was read a first time, and ordered to a second reading.

Mr Dent introduced a bill to be entitled, an act to change the name of James H. Nichols to that of James A. Alston; which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed and read a time.

Mr Dent presented the account of Augustin Lynch; which was referred to the committee on accounts and claims.

Mr Thornton from the committee on the judiciary, to which was referred a bill to be entitled, an act to secure the fees of certain officers in the county of Mobile, reported the same back to the Senate and recommended its passage.

The bill was ordered to be engrossed for its third reading.

Mr Thornton from the same committee to which was referred a bill to be entitled, an act to amend the charter of the city of Mobile, reported the same back to the Senate with the following amendment, to come in at the end of the second section:

*Provided, however,* That no person shall be eligible to hold any office under the said corporation, or to vote for any officer at any election in said city, unless he be a citizen of the United States, and have resided in said city, at least, one year previous to said election.

The amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr Turner offered the following resolution.

*Resolved,* That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Tuesday the twentieth instant, at four o'clock, P. M. to elect a President and six Directors for the Branch of the Bank of the State of Alabama, at Huntsville.

On motion of Mr Rodgers, the resolution was amended by adding a President and six Directors for the Branch Bank, at Decatur: and thus amended, the resolution was adopted.

Mr McVay from the committee on propositions and grievances to which was referred a bill to be entitled, an act to change the name of Ivey Boiett of the county of Montgomery county, reported the same back to the Senate without comment, and asked leave to be discharged from the further consideration there-

of, the committee was discharged and the bill placed among the orders of the day.

Mr Alston offered the following preamble and resolutions.

Whereas the credit of the State of Alabama has been pledged for the ultimate redemption and payment of all notes issued by the Branch of the Bank of the State of Alabama, at Mobile, and all debts contracted by said Branch: and as any loss accruing to the State, in the management of said Branch, must be sustained, principally, by the great agricultural interest of this State: and as the condition of said Branch clearly manifests the incompatibility of the present system, with the purposes and objects of commerce.

*Be it therefore resolved*, That a committee be appointed to be composed of the Senators from the counties of Marengo, Greene, Tuscaloosa, Clarke, Mobile, Monroe, and Wilcox, to inquire into the propriety and expediency of removing the said Branch Bank from Mobile.

*Be it further resolved*, That said committee also inquire into the expediency of transferring to the Merchants' and Planters' Bank of Mobile, such an amount of the stock of said Branch, as may enable the State to hold two-fifths of the stock of said Merchants' and Planters' Bank.

*And be it further resolved*, That the said committee inquire into the expediency of removing a portion of the stock of said Branch Bank to Demopolis, in the county of Marengo, for the purpose of establishing there, an office of discount and deposite, and that said committee be instructed to report by bill or otherwise.

Mr Creagh moved to add the Senators from the counties of Limestone, Henry, and Madison, to said committee.

On motion of Mr Hall, the preamble and resolutions were laid upon the table.

Mr Alston introduced a bill to be entitled, an act to establish an office of discount and deposite, at the town of Demopolis, in Marengo county; which was read and ordered to a second reading.

On motion of Mr Cottrell.

*Resolved*, That the committee on the State Bank, be, and they are hereby instructed to collect and make out in one condensed statement, the indebtedness and liabilities of the members of the present General Assembly to the State Bank and the several Branches thereof: and also, the liabilities of the President and Directors of the said Bank and each Branch, to said Bank and each Branch Bank thereof, made out in like form; and that the said statement shall show the liabilities to said Bank and each Branch thereof, and that they report the same to the Senate.

On motion of Mr Rice, the Senate then adjourned.

MONDAY, December 28, 1840.

The Senate met pursuant to adjournment.

Mr Hudson presented the accounts of the members of the Board of Directors of the Bank of the State of Alabama; which was referred to the committee on accounts and claims.

Mr Hudson presented the account of M. D. J. Slade; which was referred to the committee on accounts and claims.

Mr Wilson of J. presented the petition of sundry citizens of Jackson county in relation to the sixteenth section, of township —, of range four, east, the reading of which was dispensed with, and on motion, referred to the committee on education.



Mr Oliver presented the account of David Hayden, jailor of Montgomery county; which was referred to the committee on accounts and claims.

Mr Hall presented the petition of Condes R. Carter of Autauga county, the reading of which was dispensed with, and on motion, referred to the committee on the judiciary.

Mr Terry from the State Bank committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law to authorize the president and directors of the branch of the bank of the State of Alabama at Decatur, to burn two hundred thousand dollars of post notes, which have been redeemed and cancelled in the city of New York, and duly registered by said branch bank, reported a joint resolution of the Senate and House of Representatives authorizing the president and directors of the State Bank and several branches thereof, to burn the amount of post notes which they have issued, or may hereafter issue, &c; which was read the first time. On motion of Mr Terry, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with, and the resolution was read a second time, and ordered to be engrossed for a third reading.

Mr Terry from the same committee, to which was referred a resolution instructing them to inquire into the expediency of increasing the pay of presidents, cashiers, tellers and bank attorneys of the Bank of the State of Alabama and its several Branches, and for the appointment of Bank marshals, reported a bill to be entitled an act to regulate the salaries of the president, cashier, teller and Bank attorney of the Bank of the State of Alabama and its several Branches, and for other purposes; which was read a first time. Mr Terry moved to dispense with the constitutional rule requiring bills to be read on three several days; which was lost. The bill was then ordered to a second reading.

Mr Terry from the same committee, to which was referred a bill to be entitled an act to alter the mode of electing the president and directors of the State Bank and its several Branches, reported the same back to the Senate, and recommended its passage. The bill was placed among the orders of the day.

Mr Rice from the committee on education, to which was referred a bill to be entitled an act to incorporate the Sylvania male and female academy, in the county of Limestone, reported the same back to the Senate, without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton from the judiciary committee, to which was referred a bill for the relief of Unicy Windham, reported the same back to the Senate with the expression of their opinion, that it was inexpedient to pass the same. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act for the benefit of J. Henri Hottinguer, reported the same back to the Senate without amendment. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a resolution instructing them to enquire into the expediency of passing a law requiring the President and Directors of the Bank of the State of Alabama and the several Branch Banks, to sue on all bills of exchange at the first term of the court after the bill falls due and remains unpaid, reported that it is not expedient to pass a law to that effect. In which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act prescribing the duties of assessors and tax collectors, reported the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to enlarge the discretion of the Directors of the State Bank and its several Branches, in securing debts, and to authorize them to appoint Bank marshals, if necessary; with a resolution instructing them to inquire if it be consistent with the constitution, to appoint in the State an officer, whose duty is identical with that of the sheriffs of the different counties; reported that the appointment of Bank marshals, as provided for in the bill, is not a violation of the constitution of the State, as they humbly conceive. The office of sheriff is created by the constitution, but his duties and compensation are not defined therein; his functions and fees are prescribed by statute, and they may be multiplied or diminished, or transferred to other officers, as public policy may require; which has heretofore been done by creating the office of coroner, to a limited extent. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, reported the same back to the Senate with the expression of their opinion that the offices are compatible, and that there is no constitutional provision against their union in the same person. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act more effectually to enforce the duties of sheriffs in certain cases, reported the same back to the Senate and recommended its passage. Which was placed among the orders of the day.

Mr Alston from the judiciary committee to which was referred a bill to be entitled an act to explain and define the fees of county court judges, reported that it was inexpedient to pass said bill, as the fees of county court judges, are already defined by law, and ought not in their judgment to be increased at this time. The bill was placed among the orders of the day.

Mr Turner from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to grant the right of a way to H. J. Y. Moss to his landing on the Tombeckbee river, in the county of Washington, reported that they had amended the same by striking out the third section, and substituting in lieu thereof two other sections, and thus amended, recommended its passage; in which the Senate concurred. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Phillips from the judiciary committee, to whom was referred the petition of Thornton B. Goldsby and others, praying the passage of an act to authorize them to sell the property of minor heirs, reported that to grant the prayer of the petition would be assuming on the part of the General Assembly the exercise of judicial powers, and an unauthorized interference with vested rights; in which the Senate concurred.

Mr Phillips from the judiciary committee, to whom was referred the petition of sundry citizens of Limestone county, reported a bill and recommended its passage, to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Limestone county to levy

a tax; which was read a first time, and on motion of Mr Hudson the constitutional rule was dispensed with, and the bill read a second time.

On motion of Mr Terry the rule was further dispensed with, the bill considered as engrossed, and read a third time forthwith.

On motion of Mr Terry the blank in said bill was filled with 'fifty,' and passed.

Mr Turner from the special committee, to which was referred a bill to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, reported the same back to the Senate and asked to be discharged from its further consideration. The committee were discharged, and the bill placed among the orders of the day.

Mr Rice from the select committee, to whom was referred a bill to be entitled an act for the relief of Henry Tuttle, late sheriff of Walker county, reported the same back to the Senate, and recommended its passage; which was placed among the orders of the day.

Mr Reese from the select committee, to whom was referred a bill to change the time of holding the spring term of the circuit courts in certain counties, reported the same back to the Senate, and recommended its passage. The amendment was adopted by the Senate; the bill read a third time and passed.

Mr Reese introduced a bill to be entitled an act to amend the charter of the Montgomery rail road company; which was read the first time, and the constitutional rule being dispensed with, the bill was read a second time.

On motion of Mr Creagh the bill was amended by striking out 'fifteen' in the sixteenth line, and inserting in lieu thereof 'ten.'

On motion of Mr Reese the bill was then indefinitely postponed.

Mr McConnell from the special committee, to whom was referred a bill to be entitled an act to prevent persons from establishing negro quarters without keeping some white person on the premises, reported a substitute for said bill to the consideration of the Senate.

Mr Dent moved to strike out the proviso in said bill; which was carried.

Mr Creagh moved to amend by striking out the word 'fifty' where it occurs before the word 'dollars,' in said bill; which was lost. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Hudson presented the account of J. C. Van Dyke; which was referred to the committee on accounts and claims.

Mr Turner introduced a bill to be entitled an act to compel executors and administrators to perfect titles to land in certain cases; which was read a first time, and the constitutional rule being dispensed with, it was read a second time; and on motion of Mr Turner it was referred to the judiciary committee.

The Senate proceeded to the consideration of the orders of the day.

A bill to be entitled an act to change the name of Ivy Boiett, and for other purposes, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of Matthew D. Thompson, was read a second time, and on motion of Mr Phillips referred to a select committee, consisting of messrs Phillips, Lea and Thornton.

Engrossed bills of the following titles, to wit:

A bill to be entitled an act to establish a road court in the county of Mobile:

An act for the relief of the Greensboro' Light Artillery Guards:

An act making appropriations for the payment of certain claims against the State: .

An act to change the name of John H. Nichols to that of James A. Alston:

An act to amend the charter of the City of Mobile:

An act to secure the fees of certain officers in the county of Mobile:

Were severally read the third time and passed. Ordered, that the titles of said bills remain as aforesaid; and that they be sent to the House of Representatives for their concurrence.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to authorize commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

An act to amend an act for locating the seat of justice of Washington county, and for other purposes:

Were each read a third time and passed. Ordered, that the title of each remain unchanged, and that the House of Representatives be acquainted therewith.

Bills of the following titles, to wit:

An act to incorporate the Sylvania male and female academy, in the county of Sumter:

An act concerning county court judges:

An act for the benefit of J. Henri Hottinguer:

An act prescribing the duties of assessors and tax collectors: and

An act more effectually to enforce the performance of the duties of sheriffs in certain cases:

Were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to attach a part of the county of Fayette to the county of Tuscaloosa, was read a second time, and on motion of Mr Dent referred to a select committee, consisting of messrs Dent, Wilson of F. and Terry.

Joint resolutions in relation to defining the lines of Cherokee county, was read a second time; and on motion of Mr Clarke, referred to a select committee. messrs Clarke, Smith and Terry were appointed said committee.

A bill to be entitled an act to establish an office of Discount and Deposit, in the town of Demopolis, in Marengo county, was read a second time. Mr Hudson moved to lay it on the table; upon which motion the yeas and nays were demanded. Yeas 14—Nays 14.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Jones, Lloyd, McVay, McConnell, Rice, Rodgers, Smith, Terry, and Toulmin.

Those who voted in the negative are, messrs Alston, Andreas, Dailey, Hall, King, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Watrons, Wilson of F. and Wilson of J.

The motion failed.



Mr Andress moved to amend the bill by striking out 'Demopolis, in Marengo county,' and inserting 'Claiborne, in Monroe county,' upon which motion the yeas and nays were demanded. Yeas 13—Nays 12.

Those who voted in the affirmative, are messrs President, Andress, Clarke, Creagh, Farrar, Hudson, Lloyd, McConnell, Ross, Terry, Toulmin, Turner, and Wilson of F.

Those who voted in the negative, are messrs Alston, Buford, Dailey, Dent, Jones, King, McAllister, McVay, Rodgers, Thornton, Watrous and Wilson of F.

The amendment was adopted.

Mr Toulmin then moved to postpone the bill indefinitely; upon which motion the yeas and nays were demanded, Yeas 19—Nays 8.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Jones, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Alston, Andress, King, McAllister, Phillips, Ross, Thornton, and Watrous.

The motion prevailed.

A bill to be entitled an act to alter the mode of electing the president and directors of the State Bank and its several Branches, was read a second time. Mr Dent moved to lay the bill on the table; upon which motion the yeas and nays were demanded. Yeas 9—Nays 16.

Those who voted in the affirmative, are messrs Dailey, Dent, Farrar, King, McConnell, Rodgers, Smith, Thornton and Watrous.

Those who voted in the negative, are messrs President, Clarke, Creagh, Hudson, Jones, Lloyd, McAllister, McVay, Phillips, Rice, Ross, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The motion was lost.

The question then recurred upon ordering the bill to be engrossed and read a third time; which was carried. Yeas 18—Nays 11.

Those who voted in the affirmative, are messrs President, Alston, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Phillips, Reese, Ross, Terry, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Andress, Dailey, Dent, King, McConnell, McVay, Rodgers, Smith, Thornton, Watrous and Wilson of F.

An act for the relief of Unicy Windham, was read a second time, and on motion of Mr Hudson was laid upon the table.

A bill for the relief of Henry Tuttle, late sheriff of Walker county, was read a second time and lost.

On motion of Mr Rodgers,

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Thursday, the 31st, for the purpose of electing a judge of the county court of Lawrence county, at four o'clock, P. M.

A bill to be entitled an act to enlarge the discretion of the Directory of the State Bank and its several branches, in securing debts, and to authorize them to appoint Bank Marshals, if necessary, was read a second time.

Mr Alston moved to amend the bill by striking out all the section after the word 'more,' in the fifteenth line of the fifth section; which was adopted. Yeas 17—Nays 10.

Those who voted in the affirmative, are Messrs President, Alston, Andress,

Creagh, Dailey, Farrar, Hudson, King, Lloyd, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton and Wilson of F.

Those who voted in the negative, are Messrs Clarke, Hall, Jones, McAllister, Rice, Smith, Terry, Toulmin, Turner and Wilson of J.

Mr Terry offered the following as an additional section:

Sec. 9. *And be it further enacted*, That it shall be the duty of the several clerks of the courts of this State to direct all process issued at the instance of or in favor of the Bank of the State of Alabama, or any of its branches, to the marshal of the bank, in whose favor, or at whose instance, the same may issue, or there be such marshal appointed according to the provisions of this bill.

Which was adopted. The bill was then ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a second time and ordered to a third reading.

A bill to be entitled an act to explain and define the fees of county court judges, was read a second time, and on motion of Mr Hudson, was ordered to lie upon the table.

Engrossed bill from the House of Representatives to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, was read a second time. The question was then put, 'shall the bill be ordered to be engrossed for a third reading?' which was lost. Yeas 14—Nays 14.

Those who voted in the affirmative, are Messrs Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Phillips, Reese, Rice, Rodgers, Ross, Terry and Womack.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Farrar, McVay, Oliver, Smith, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Hall moved that when the House adjourn, it adjourn to half after three o'clock: which was carried.

Mr Rice introduced a bill to regulate the practice of dental surgery, and for other purposes; which was read and ordered to a second reading.

On motion of Mr Dent, the Senate then adjourned.

#### EVENING SESSION, half after three o'clock.

Message from the House of Representatives by Mr Phelan:

Mr President—I am directed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of going into the election of a President and six Directors, for the branch of the Bank of the State of Alabama at Montgomery.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two houses then proceeded to the election of a President and six Directors, for the Branch of the Bank of the State of Alabama, at Montgomery.

The two houses first proceeded to the election of a President for the branch of the bank of the State of Alabama, at Montgomery—JOHN MARTIN alone being in nomination.

Those who voted for Mr MARTIN, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd,

McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hall, Hollinger, Houston, Hughes, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peterson, Prince, Pynes, Reynolds, Roberts, Russell, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives.

JOHN MARTIN having received one hundred and eighteen votes, being the whole number given, Mr Speaker declared him duly and constitutionally elected President of said Bank for the ensuing twelve months.

The two houses next proceeded to the election of six Directors—E. C. WALLACE, J. M. FRIOU, JOHN A. WHETSTONE, ROBERT E. COXE, Col. W. O. BALDWIN, J. A. BULLOCK, DR. BALDWIN, H. G. HARBIN, R. T. ASHURST, T. J. VICKERS, W. MCKNIGHT, R. A. MOSELY, A. PARKER and ASA ALEXANDER, being in nomination.

Those who voted for Mr WALLACE are Messrs Alston, Address, Dent, Farrar, Hall, Jones, McConnell, McVay, Oliver, Smith, Terry, Thornton, and Womack, of the Senate; Adams, Adrian, Barron, Bates, Clemens, Davenport, Davidson, Davis of A. Davis of B., Davis of L., Doster, Fowler, Garrett, Hall, Hughes, Hutchinson, Jemison, Kelly, Kidd, Langdon, McCullough, McGill, McMillion of B., Moores, Prince, Rice, Saunders, Walker of B., Williams, Wilson, Winston of DeK., Winston of S. and Wynn, of the House of Reps.—46.

Those who voted for Mr FRIOU, are Messrs Alston, Dailey, Hall, McConnell, Phillips, Rice, Rodgers, Ross, Terry, and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Ashurst, Barron, Bell, Blount, Bradley, Campbell, Crenshaw, Dixon, Fitzpatrick, Flemming, Garrett, Hale, Hill, Hughes, Hunter, Hutchinson, Kelly, Kidd, King, Little, Mann, McAlpin, McCoy, McCullough, McGill, McMillion of B., McMillion of J., Mitchell, Moore of Madison, Moores, Murphy, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J., Stone, Walker of M. Wann, Winston of DeK., and Winston of S. of the House of Representatives—56.

Those who voted for Mr WHETSTONE are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Terry, Toulmin, Turner, Watrous, Wilson of F., and Wilson of J., of the Senate; Messrs Speaker, Adrian, Alexander, Bell, Blount, Cobb, Davidson, Davis of A., Davis of B., Davis of L., Dixon, Doster, Douglass, Flemming, Fowler, Garrett, Griffin of S. Hale, Hall, Hollinger, Houston, Hughes, Inge, Jones, Kelly, Kidd, King, Langdon, Mangum, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of Marion, Norris, Norwood, Perkins, Peterson, Reynolds, Rice, Roberts, Seawell, Shanks, Simmons, Smith of J., Smith of L., Spruill, Stone, Walker of B., Walker of L., Walker of M. Wann, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—84.

Those who voted for Mr COXE, are messrs President, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lloyd, Reese, Rice, Rodgers, Ross,



Smith, Terry, Toulmin, Turner, and Wilson of F., of the Senate; Messrs Speaker Adams, Alexander, Blackshear, Blair, Blount, Cobb, Davis of L. Douglass, Fitzpatrick, Fowler, Garrett, Hollinger, Houston, Inge, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McLemore, McMillion of J. Moore of marion, Murphy, Perkins, Peterson, Prince, Pynes, Reynolds, Roberts, Russell, Saunders, Seawell, Simmons, Smith of L., Spruill, Walker of B., Walker of L., Wilson and Womack, of the House of Representatives—61.

Those who voted for Col. W. O. BALDWIN, are Messrs Alston, Address, Buford Dailey, Dent, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Turner, Watrous, Wilson of J. and Womack, of the Senate; Messrs Speaker, Adrian, Ashurst, Barron, Bates, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B., Dixon, Doster, Fitzpatrick, Flemming, Griffin of M., Griffin of S. Hale, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McCullough, McLemore, McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Provence, Pynes, Reynolds, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of B. Walker of L. Walker of M. Wann, Womack and Wynn, of the House of Representatives—79.

Those who voted for Mr BULLOCK, are Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Campbell, Clemens, Cobb, Dixon, Douglass, Fowler, Hill, Houston, Jones, Mallard, McClanahan, McMillion of B. Moore of marion, Reynolds, Smith of J. Strode, Wann, Williams, Wilson, and Winston of S. of the House of Representatives—39.

Those who voted for Dr BALDWIN, are Messrs President, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Hale, Hall, Houston, Hughes, Jones, Kelly, King, Mangum, Mallard, Mann, Marchbanks, McClanahan, McMillion of B. Moore of madison, Moore of marion, Perkins, Provence, Pynes, Reynolds, Roberts, Saunders, Simmons, Smith of L. Stone, Strode, Walker of B. Walker of L. Walker of M. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack, of the House of Representatives—66.

Those who voted for Mr HARBIN, are messrs Alston, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Flemming, Garrett, Griffin of J. Griffin of S. Hall, Hill, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Little, McAlpin, McCoy, McCullough, McMillion of J. Mitchell, Moores, Murphy, Norris, Norwood, Province, Pynes, Russell, Seawell, Smith of L. Spruill, Strode, Womack and Wynn, of the House of Representatives—58.

Those who voted for Mr ASHURST, are messrs Alston, Address, Buford, Dent, Hall, King, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, King, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of madison, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Rice, Saunders, Seawell, Shanks, Smith of J. Spruill, Strode, Walker of B. Walker of L. Walker of M. and Williams, of the House of Representatives—73.

Those who voted for Mr VICKERS, are messrs Alston, Address, Buford, Dailey, Dent, Hall, Jones, King, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the



Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAllister, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peterson, Prince, Rice, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Strole, Walker of L. and Womack, of the House of Representatives—61.

Those who voted for Mr McKNIGHT, are Mr Reese, of the Senate.

Those who voted for Mr MOSELY, are messrs President, Creagh, Hudson, Lloyd, Toulmin and Turner, of the Senate; messrs Alexander, Blackshear, Blair, Douglass, Griffin of M. Hill, Hughs, Mallard, Marchbanks, McClanahan, Provence, Rice, Russell, Smith of J. Smith of L. Wann, and Williams, of the House of Representatives—23.

Those who voted for Mr PARKER, are messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J. of the Senate; messrs Adams, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of M. Griffin of s. Hale, Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Prince, Provence, Pynes, Roberts, Russell, Saunders, Shanks, Stone, Walker of M. Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—57.

Those who voted for Mr ALEXANDER, are messrs Address, Buford, Clarke, Dent, King, McAllister, McVay, Oliver, Smith, and Wilson of F. of the Senate; messrs Adams, Ashurst, Bates, Bell, Blackshear, Blair, Bradley, Crenshaw, Davenport, Davis of A. Davis of L. Dixon, Flemming, Griffin of M. Hale, Hill, Houston, Hunter, Hutchinson, Jemison, Mangum, Mann, Marchbanks, McAlpin, Mitchell, Perkins, Peterson, Provence, Pynes, Russell, Saunders, Shanks, Simmons, Smith of J. Winston of DeK. Winston of S. and Wynn, of the House of Representatives—47.

JOHN A. WHERSONE, Col. W. O. BALDWIN, Dr. BALDWIN, and R. T. ASHURST, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama at Montgomery.

Neither of the others having received a majority of the votes given, the two houses proceeded to the election of two Directors of said Bank—Messrs E. C. WALLACE, J. M. FRIOU, ROBERT E. COX, J. A. BULLOCH, H. G. HARBIN, T. G. VICKERS, R. A. MOSELY, ASHLEY PARKER, and ASA ALEXANDER, being in nomination.

Those who voted for Mr WALLACE, are Messrs Alston, Address, Farrar, Hudson, Hall, Jones, King, McVay, Oliver, Reese, Terry, Watrous, Wilson of F. and Wilson of J. of the Senate; Messrs Ashurst, Bates, Davis of A. Davis of B. Davis of L. Doster, Griffin of M. Hall, Langdon, McAlpin, McMillion of B. Moore of mad. and Moores, of the House of Representatives—26.

Those who voted for Mr FRIOU, are Messrs McConnell, and Turner, of the Senate; messrs Speaker, Adams, Adrian, Bradley, Crenshaw, Dixon, Flemming, Garrett, Hale, Hill, Hughs, Hutchinson, Kelly, King, Little, Mallard, McCoy, Mitchell, Moore of marion, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J. Walker of B. Winston of DeK. and Winston of s. of the House of Representatives—31.

Those who voted for Mr COX, are messrs President, Clarke, Creagh, Dailey, Dent, Jones, Lloyd, Phillips, Reese, Rice, Rodgers, Thornton, Toulmin, and Turner of the Senate; messrs Adams, Alexander, Black-

shear, Blair, Blount, Campbell, Cobb, Davenport, Dixon, Douglass, Fitzpatrick, Fowler, Hollinger, Houston, Hughs, Inge, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McLemore, McMillion of J. Moore of mad. Moore of marion, Murphy, Perkins, Peterson, Prince, Pynes, Seawell, Shanks, Simmons, Spruill, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of s. and Wynn, of the House of Representatives—57.

Those who voted for Mr BULLOCH, are messrs President, Clarke, Creagh, Smith, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; and messrs Speaker and Jones of the House of Representatives—10.

Those who voted for Mr HARBIN, are messrs McConnell, and McVay, of the Senate; and messrs Barron, Bell, Garrett, Griffin of s. Hunter, Jemison, Jones, Mangum, and McClanahan, of the House of Representatives—11.

Those who voted for Mr VICKERS, are messrs Alston, Address, Buford, Dailey, Dent, King, Oliver, Phillips, Ross, Thornton, Watrous, and Womack of the Senate; messrs Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Rice, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of L. and Womack, of the House of Representatives—61.

Mr Russell of the House of Representatives voted for Mr MOSELY.

Those who voted for Mr PARKER, are messrs Farrar, Hudson, Hall, Lloyd, McAllister, Rice, Rodgers, and Smith, of the Senate; messrs Blackshear, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of m. Hale, Hill, Houston, Marchbanks, McCullough, McGill, McMillion of B. McMillion of J. Reynolds, Roberts, Smith of J. Stone, Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—31.

Those who voted for Mr ALEXANDER, are messrs Buford, McAllister and Womack of the Senate; and messrs Blair and Mann of the House of Representatives—5.

T. J. VICKERS having received sixty-one votes, being a majority of the whole number given, Mr Speaker declared him duly elected a Director of the Branch of the Bank of the State of Alabama at Montgomery.

Neither of the others having received a majority of the votes given, the two houses proceeded to the election of one Director for said Bank—messrs J. M. FRIOU, ROBERT E. COX, and ASHLEY PARKER, being in nomination.

Those who voted for Mr FRIOU, are messrs Dailey and Oliver, of the Senate; and messrs. Adams, Adrian, Ashurst, Barron, Bates, Bradley, Davis of B. Flemming, Garrett, Griffin of m. Hale, Hill, Hughs, Hutchinson, Kelly, King, Langdon, Little, Mann, McCoy, Moores, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J. Williams, Winston of DeK. and Winston of s. of the House of Representatives—33.

Those who voted for Mr Cox, are Messrs President, Creagh, Jones, King, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Bell, Blackshear, Blair, Blount, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of s. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Kidd, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Murphy, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Shanks, Simmons, Spruill,

Stone, Strode, Walker of B. Wilson, and Womack of the House of Representatives—66.

Those who voted for Mr PARKER, are messrs Clarke, Hall, McAllister, McVay, and Smith, of the Senate; Messrs Alexander, McCullough and Wynn, of the House of Representatives—8.

ROBERT E. COX having received sixty-six votes, being a majority of the whole number given, Mr Speaker declared him duly and constitutionally elected a Director of the Branch of the Bank of the State of Alabama, at Montgomery.

The Senate then withdrew from the Hall of the House, and returned to the Senate Chamber. Mr President took the chair.

On motion of Mr Rodgers, the Senate then adjourned.

TUESDAY, December 29, 1840.

The Senate met pursuant to adjournment.

Mr Wilson of J. presented the account of William A. Austin for going to and returning from the branch bank at Huntsville as a director of said bank, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Dent presented the account of the sheriff of Tuscaloosa county, against the State for victualing State prisoners; which on motion, was referred to the committee on accounts and claims.

Mr Buford presented the account of David Covington; which was referred to the committee on Indian expenditures.

Mr Smith presented the petition of sundry citizens of Cherokee county, in relation to the military law of this State; which on motion of Mr Smith, was ordered to lay upon the table.

Mr McAllister, from the committee on Indian expenditures, to which was referred the account of Burke & Lowry, for provisions furnished to a volunteer company, reported a bill allowing the same; which was read and ordered to a second reading.

Mr Jones, from the select committee, to whom was referred a bill for the removal of the branch bank at Decatur, to provide a substitute for the same, reported a substitute and recommended its passage. The yeas and nays were demanded upon the adoption of the substitute; which was lost. Yeas 15—Nays 15.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Buford, Dailey, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross and Thornton.

Those who voted in the negative, are Messrs Clarke, Creagh, Dent, Farrar, Hudson, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. Wilson of J. and Womack.

The question then recurred upon the passage of the original bill; which being read the third time,

Mr Creagh moved to fill the blank with 'Claibourne,' in Monroe county.

Mr Phillips contended that the amendment was out of order, inasmuch as the bill provided for its location by joint vote of the two Houses of the General Assembly.

Mr President decided the amendment to be in order to fill the blank with any named place.

From which decision Mr Phillips took an appeal. The question was, 'shall

the decision of the chair stand as the judgment of the Senate?' and the yeas and nays were demanded. Yeas 21—Nays 9.

Those who voted in the affirmative, are Messrs President, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs Alston, Dailey, Hall, Jones, King, Oliver, Phillips, Reese and Ross.

The decision of the chair was sustained.

The question then recurred upon the motion to fill the blank with Claibourne, in Monroe county; and the yeas and nays were demanded. Yeas 10—Nays 21.

Those who voted in the affirmative, are messrs President, Address, Creagh, Hudson, Hall, Rodgers, Ross, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are messrs Alston, Buford, Clarke, Dailey, Dent, Farrar, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Smith, Terry, Thornton, Toulmin and Turner.

The Senate refused to fill the blank with 'Claibourne,' in Monroe county.

Mr Phillips moved to fill the blank with the words 'Selma, in the county of Dallas.'

Mr Dent moved to lay the bill and proposed amendment on the table; and the yeas and nays were demanded. Yeas 17—Nays 14.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are messrs Alston, Address, Buford, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton and Toulmin.

The motion to lay on the table prevailed.

Message from his Excellency, the Governor, by his private secretary:

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, December 28, 1840. }

SIR—I have the honor to inform the Senate that a vacancy has occurred in the office of judge of the county court of Marengo county, in consequence of the death of the Hon. Angus R. Morrison, late judge of said court.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

The message was, on motion of Mr Alston, laid upon the table.

Mr Lloyd, from the select committee, to whom was referred a bill to be entitled an act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of Marshall, reported the same back to the Senate with the following amendments: in the eleventh line, second section, strike out 'fifty' and insert 'thirty seven and a half;' in twelfth line, same section, strike out 'thirty-seven and a half,' and insert 'twenty-five;' in thirteenth line, strike out 'twenty-five' and insert 'eighteen and three-fourths;' which were adopted, and the bill read a third time.

Mr Alston moved to postpone the bill indefinitely; which was lost.

The question was then put, 'shall the bill pass?' and decided in the affirmative. Yeas 24—Nays 5.

Those who voted in the affirmative, are messrs President, Address, Buford, Clarke, Creagh, Dailey, Dent, Hudson Jones, King, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.



Those who voted in the negative, are messrs Alston, Hall, Oliver, Watrous and Wilson of F.

Ordered, that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has adopted the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House of Representatives, on Tuesday, twenty-ninth inst. at seven o'clock, p. m. for the purpose of electing a President and six Directors for the branch of the Bank of the State of Alabama at Mobile, and a committee of internal improvement for the Choctawhatchie river; in which the concurrence of the Senate is requested.

The House has also adopted the report and joint resolutions responsive to certain resolutions of South Carolina in relation to the Georgia and Maine controversy.

Mr Thornton, from the judiciary committee, to which was referred a bill to be entitled an act to compel executors and administrators to perfect titles in certain cases, reported the same back to the Senate, with the following proviso, to come in at the end of the bill, to wit:

*Provided further*, That no proceedings had under this act in favor of the assignee, shall estop the obligor or his heirs, executors, &c., from contesting the validity of the assignment of such bond, with the assignee or those claiming under him or her.

Which was adopted by the Senate. The bill was then read the second time and ordered to be engrossed for a third reading.

Mr Dent, from the select committee, to whom was referred a bill to be entitled an act to attach a part of the county of Fayette to the county of Tuscaloosa, reported the same back to the Senate as inexpedient; which was placed among the orders of the day.

Mr Alston introduced a bill to be entitled an act requiring the judge of the county court of Marengo county, to reside at or within five miles of the court house; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Turner introduced a bill to be entitled an act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and the constitutional rule being further dispensed with, it was read a third time forthwith and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Toulmin introduced a bill to be entitled an act to alter and amend the several acts in relation to public roads in the county of Mobile; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Dent presented the account of J. Lacy & Co.: the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Hall offered the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will adjourn, *sine die*, on Thursday, the seventh of January.

Mr Hudson moved to lay the resolution on the table; which was carried.  
Yeas 17—Nays 11.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Creagh, Dent, Jones, King, Lloyd, McAllister, McConnell, Reese, Rice, Terry, Toulmin, Turner, Watrous and Wilson of F.

Those who voted in the negative, are Messrs Alston, Dailey, Farrar, Hudson, Hall, McVay, Oliver, Ross, Thornton, Wilson of F. and Womack.

On motion of Mr Alston,

*Resolved*, That the State Bank committee be instructed to inquire into the expediency of adopting measures to prevent the Mobile Bank from charging and collecting thirteen and two-thirds per cent., as reported by the examining committee, appointed by the Governor; and to inquire into any other abuses that may have found their way into the banks, and to report by bill or otherwise.

The Senate then proceeded to the consideration of the orders of the day.

Joint resolutions of the Senate and House of Representatives authorizing the President and Directors of the State Bank and the several branches thereof, to burn the amount of post notes which they have issued, or may hereafter issue and put in circulation, as soon as the same shall have been taken in by the said bank and branch banks issuing the same, which they are hereby severally authorized to do as often as in the opinion of said President and Directors it is expedient.

Engrossed bills of the following titles, to wit:

An act to establish a private way for H. J. Y. Moss, to his landing on the Tombeckbee river, in the county of Washington:

An act to change the name of Ivey Boiett, and for other purposes:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act prescribing the duties of assessors and tax collectors:

An act for the benefit of J. Henri Hottinguer:

An act more effectually to enforce the performance of the duties of sheriffs in certain cases:

Were severally read a third time and passed. Ordered, that their titles remain unchanged.

Ordered, that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to regulate the salaries of the President, Cashier, Teller, and Bank Attorney of the Bank of the State of Alabama and its several Branches, and for other purposes, was read a second time.

On motion of Mr Hudson, it was indefinitely postponed. Yeas 22—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs President, Alston, Buford, Clarke, Creagh, Dailey, Dent, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Ross, Watrous, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs Rice, Terry, Toulmin, and Turner.

Engrossed bill to be entitled an act to compel owners of slaves to keep some white person at negro quarters in this State, was read a third time and passed.

On motion of Mr Watrous, the vote taken on the bill to be entitled an act to compel owners of slaves to keep some white person at negro quarters in this State, was reconsidered. The bill was read a third time.

Mr Creagh offered the following amendment, by way of engrossed ryder: "Provided, the provisions of this act shall not take effect and be in force in the counties of Clarke, Washington, Baldwin, Shelby and Mobile."

Mr Dailey moved to amend the amendment by adding the "counties of Tallapoosa and Macon."

Mr Farrar further to amend by adding the county of St. Clair.

Mr Rice, the counties of Morgan and Walker.

Mr Reese, the counties of Chambers and Randolph.

Mr Cottrell called for the previous question, which was sustained. Yeas 16—Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Buford, Clarke, Dent, Hudson, Jones, McConnell, McVay, Phillips, Ross, Terry, Thornton, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs Creagh, Dailey, Farrar, Hall, King, McAllister, Reese, Rice, Toulmin, Turner, and Watrous.

The question was then put, 'shall the bill pass?' which was decided in the affirmative. Yeas 17—Nays 11.

Those who voted in the affirmative, are messrs President, Alston, Buford, Clarke, Dent, Hudson, Jones, McConnell, McVay, Oliver, Phillips, Ross, Terry, Thornton, Turner, Wilson of F. and Womack.

Those who voted in the negative, are messrs Creagh, Dailey, Farrar, Hall, King, McAllister, Reese, Rice, Toulmin, Watrous and Wilson of J.

Ordered, that its title remain unchanged. Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act concerning county court judges, was read a third time.

The question was then put, 'Shall the bill pass?' which was decided in the affirmative. Yeas 21—Nays 2.

Those who voted in the affirmative, are Messrs President, Alston, Buford, Clarke, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Rice, Ross, Terry, Toulmin, Wilson of F., and Womack.

Those who voted in the negative, are Messrs Creagh, and McVay.

Ordered, that the title remain as aforesaid. Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to alter the mode of electing the President and Directors of the State Bank and its several branches, was read a third time.

Mr Dailey offered the following amendment by way of engrossed ryder, to wit: "Provided, such committee so appointed shall not be indebted to the State Bank or any of its branches, either individually or as security to a larger amount than one thousand dollars."

Mr Hall moved to lay the amendment on the table, which was lost. Yeas 6—Nays 21.

Those who voted in the affirmative, are messrs Clarke, Dent, Hudson, Hall, Jones, and Terry.

Those who voted in the negative, are Messrs President, Alston, Buford,

Creagh, Dailey, Farrar, King, McAllister, McConnell, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J.

The question then recurred upon the adoption of the amendment.

Mr Jones moved to amend the amendment by striking out "one thousand" and inserting in lieu thereof "five thousand."

Mr Hudson called for a division of the question, which was first taken on striking out, and lost. Yeas 5—Nays 22.

Those who voted in the affirmative, are messrs Hudson, Hall, Jones, Terry, and Toulmin.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, King, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Thornton, Wilson of F. and Wilson of J.

Mr Terry offered the following amendment to the amendment, to wit: "Provided, any person owing over one thousand dollars, who is more able to pay his indebtedness than others owing only one thousand, which shall be ascertained by a competent committee appointed for that purpose, may be eligible to serve on said committee."

Mr Wilson of F. moved to indefinitely postpone the bill, together with the amendments, which was lost. Yeas 15—Nays 17.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dent, King, McConnell, McVay, Oliver, Rice, Rodgers, Smith, Thornton, Watrous, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Phillips, Reese, Ross, Terry, Toulmin, Turner, and Wilson of J.

The question was then taken upon the adoption of the amendment to the amendment offered by Mr Terry, which was lost. Yeas 4—Nays 27.

Those who voted in the affirmative, are Messrs Dent, Phillips, Reese and Terry.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

The question then recurred upon the adoption of the amendment offered by Mr Dailey, which prevailed. Yeas 19—Nays 12.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dailey, Farrar, King, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Watrous, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Hudson, Hall, Jones, Reese, Terry, Thornton, Toulmin, Turner, and Womack.

The question was then put, shall the bill pass? which was decided in the negative. Yeas 13—Nays 18.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Jones, McAllister, McVay, Reese, Ross, Terry and Toulmin.

Those who voted in the negative, are messrs Alston, Address, Buford, Dailey, Dent, Hall, King, McConnell, Oliver, Phillips, Rice, Rodgers, Smith, Thornton, Watrous, Wilson of F. and Wilson of J. and Womack.



Engrossed bill to be entitled an act to enlarge the discretion of the State Bank and several branches in securing debts, and to authorize them to appoint bank marshals if necessary, was read the third time, and the yeas and nays were demanded on its passage, by Mr Rodgers. Yeas 17—Nays 8.

Those who voted in the affirmative, are messrs President, Alston, Clarke, Creagh, Dent, Hudson, Hall, Jones, King, Phillips, Reese, Rice, Ross, Terry, Toulmin and Turner.

Those who voted in the negative, are Messrs Buford, Dailey, Farrar, McVay, Rodgers, Watrous, Wilson of F. and Womack.

The bill passed. Ordered, that its title remain as aforesaid.

Engrossed bill from the House of Representatives to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

A bill to be entitled an act to regulate the practice of dental surgery, was read a second time, and on motion of Mr Terry, was referred to the committee on propositions and grievances.

A bill to be entitled an act to attach a part of the county of Fayette to the county of Tuscaloosa, was read a second time, and on motion of Mr Wilson of F. was ordered to lay upon the table.

Mr Hall offered the following preamble and resolutions:

Whereas, a resolution was introduced in the Senate, proposing to adjourn *sine die*, on the seventh of January: and whereas, the said resolution was laid upon the table, by a decided majority of the Senate: and whereas, said majority is not satisfied with having been in session upwards of eight weeks at public expense, without having done any thing that is of general interest to the people of Alabama:

*Be it therefore, resolved by the Senate*, That no member of the Senate shall draw more than two dollars per day, for his services, after the 4th day of January.

*And be it further resolved*, That if the Senate remains in session longer than the 7th of January, that they shall not be entitled to draw any thing by way of *per diem*, for their services.

Mr Hudson moved to lay the preamble and resolutions on the table, and the yeas and nays were demanded. Yeas 12—Nays 13.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Jones, McAllister, McVay, Rice, Rodgers, Terry, Thornton and Toulmin.

Those who voted in the negative, are Messrs Alston, Dailey, Dent, Farrar, Hall, King, Oliver, Phillips, Ross, Turner, Watrous, Wilson of F. and Womack.

The motion to lay on the table failed.

Mr King offered the following amendment to the resolutions, to wit: *Provided*, That if any member shall leave before the time above specified, he shall not be entitled to any pay; which was adopted.

On motion of Mr Creagh, the resolutions were referred to the committee on retrenchment.

Mr Turner moved that when the Senate adjourn, it will adjourn until half past six o'clock, this evening; which prevailed.

On motion of Mr Hudson, the Senate then adjourned.

The Senate met pursuant to adjournment.

Mr Creagh moved to reconsider the vote refusing to pass a bill for the benefit of Henry Tuttle, late sheriff of Walker county.

On motion of Mr Hudson, the motion was postponed until to-morrow.

Message from the House of Representatives by Mr Phelan:

Mr President—I am instructed by the House of Representatives, to invite the Senate into the Hall of the House, for the purpose of electing a president and six directors, for the branch of the bank of the State of Alabama at Mobile, and one commissioner for the improvement of the navigation of the Choctawhatchie river.

The Senate having repaired to the hall of the House of Representatives and taken their seats, for the purpose of electing a President and six Directors, for the Branch of the Bank of the State of Alabama at Mobile, and one Commissioner for the Choctawhatchie river.

The two Houses proceeded to the election of a President for said Bank, —JOHN B. NORRIS and JOHN T. DONALD, being in nomination.

Those who voted for Mr NORRIS, are messrs President, Clarke, Creagh, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Fowler, Griffin of M. Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Pynes, Reynolds, Roberts, Saunders, Smith of J. Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.—58.

Those who voted for Mr DONALD, are messrs Alston, Address, Buford, Dailey, Dent, Hall, King, Oliver, Thornton, Watrous, and Womack, of the Senate; messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Garrett, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Moores, Murphy, Norris, Perkins, Peterson, Prince, Rice, Seawell, Shanks, Simmons, Smith of L. Spruill, and Womack, of the House of Representatives.—56.

JOHN B. NORRIS, having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama at Mobile.

The two houses then proceeded to the election of six Directors for said Bank—messrs ED. S. HARRISON, D. D. KANE, B. BOYKIN, M. LINDSEY, CADE M. GODBOLD, JACOB BOYD, LITTLEBERRY MAULDIN, WM. A. SCOTT, EDWARD BRODNAX, WM. A. SMITH, JOS. HALL, ISAAC H. ERWIN, and JULIUS O. HARRIS, being in nomination.

Those who voted for Mr BOYD, are messrs President, Clarke, Lloyd, McAllister, Rice, Rodgers, Ross, Terry, Toulmin, and Wilson of F. of the Senate; messrs Adrian, Blackshear, Blair, Blount, Clemens, Cobb, Fitzpatrick, Fowler, Houston, Hughs, Inge, Jemison, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McMillion of B. Moore of mad. Moore of marion, Norris, Peterson, Roberts, Shanks, Simmons, Strode, and Womack, of the House of Representatives.—39.

Those who voted for MR BOYKIN, are messrs President, Alston, Address, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Flemming, Fowler, Garrett, Hall, Hill, Hollinger, Houston, Hughes, Hunter, Inge, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Moores, Norwood, Peterson, Pynes, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Womack, and Wynn of the House of Representatives—90.

Those who voted for MR BRODNAX, are messrs Alston, Address, Buford, Dent, Hudson, Hall, Jones, King, Lloyd, McConnell, McVay, Oliver, Reese, Rodgers, Ross, Thornton, Turner, Watrous, Wilson of F. and Wilson of J. and Womack, of the Senate; messrs Speaker, Alexander, Ashurst, Barron, Bates, Bell, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Doster, Douglass, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Kidd, Langdon, Little, Mann, Marchbanks, McCoy, McCullough, McGill, McLemore, Moore of mad. Moore of marion, Moores, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Shanks, Simmons, Spruill, Stone, Walker of B. Walker of L. Williams, Winston of S. and Womack of the House of Representatives—72.

Those who voted for ERWIN, are messrs Alston, Address, Buford, Creagh, Dent, King, McVay, Oliver, Ross, Thornton, Turner, and Watrous of the Senate; messrs Speaker, Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Simmons, Smith of L., Spruill, Strode, and Winston of S. of the House of Representatives—63.

Those who voted for MR GODBOLD, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Barron, Blair, Clemens, Cobb, Davis of A. Davis of L. Douglass, Fowler, Houston, Hughes, Jemison, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. Womack, and Wynn, of the House of Representatives—66.

Those who voted for MR HALL, are messrs Alston, Address, Buford, Creagh, Dent, Hall, King, Oliver, Thornton, Turner, and Watrous of the Senate; messrs Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Murphy, Perkins, Prince, Rice, Shanks, Simmons, Spruill, Stone, Strode, and Womack, of the House of Representatives—55.



Those who voted for **MR HARRIS**, are messrs Alston, Buford, King, Oliver, and Watrous of the Senate; messrs Alexander, Ashurst, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davidson, Doster, Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Perkins, Peterson, Prince, Rice, Shanks, Simmons, Smith of J. Smith of L. Spruill, Strode, Walker of L. and Williams, of the House of Representatives—48.

Those who voted for **MR HARRISON**, are messrs President, Clarke, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Ross, Smith, Watrous, Wilson of F. and Womack, of the Senate; messrs Speaker, Adrian, Ashurst, Campbell, Davis of A. Davis of L. Doster, Fitzpatrick, Fowler, Garrett, Griffin of S. Hill, King, Mangum, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Madison, Murphy, Norris, Norwood, Prince, Rice, Roberts, Saunders, Shanks, Smith of L. Walker of L. Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives—52.

Those who voted for **MR KANE**, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, McConnell, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, and Wilson of J. of the Senate; messrs Adrian, Blount, Campbell, Clemens, Cobb, Davenport, Davis of A. Doster, Douglass, Fitzpatrick, Fowler, Garrett, Houston, Hughes, Hutchinson, Jemison, Kelly, King, McClanahan, McCullough, McMillion of B. Mitchell, Moores, Perkins, Reynolds, Roberts, Seawell, Stone, Walker of B. Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—53.

Those who voted for **MR LINDSEY** are messrs Clarke, Creagh, Dailey, McAllister, Reese, Rice, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; messrs Davis of A. Davis of L. Houston, Mallard, McClanahan, Reynolds, Smith of J. Wilson, Winston of DeK. and Wynn, of the House of Representatives—20.

Those who voted for **MR MAULDIN**, are messrs Alston, Address, Hudson, Jones, Lloyd, McVay, Rodgers, Ross, Smith, Thornton, Turner, and Womack of the Senate; messrs Speaker, Adams, Alexander, Bradley, Campbell, Davenport, Davis of A. Davis of B. Davis of L. Douglass, Griffin of M. Hughes, Jones, Kelly, King, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McMillion of J. Mitchell, Moore of Mad. Moores, Murphy, Norris, Norwood, Pynes, Reynolds, Saunders, Smith of J. Walker of L. Williams, Wilson, Winston of S. and Wynn of the House of Representatives—48.

Those who voted for **MR SCOTT**, are messrs Address, Buford, Dailey, Dent, Farrar, Jones, King, Lloyd, McConnell, McVay, Oliver, Ross, Watrous and Wilson of J. of the Senate; messrs Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Crenshaw, Davidson, Davis of B. Davis of L. Douglass, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Rice, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, and Walker of B. of the House of Representatives—65.

Those who voted for **MR SMITH**, are messrs President, Buford, Dailey, Farrar, McAllister, Smith, Terry, Toulmin, Wilson of J. and Womack, of the Senate; messrs Adams, Adrian, Blackshear, Blair, Clemens, Cobb, Douglass, Fitzpatrick, Fowler, Hill, Houston, Hughes, Jones, Kelly, Mangum, Mann, Marchbanks, McMillion of B. Moore of Marion, Pynes, Reynolds, Smith of J. Stone, Walker of B. Winston of DeK. and Winston of S. of the House of Representatives—36.

Messrs **BOYKIN, BRODNAX, ERWIN, GODBOLD, and SCOTT** having each received a majority of the votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Mobile.

The two houses then proceeded to ballot the second time, for one director for said Bank—Messrs **E. S. HARRISON, D. D. KANE and LITTLEBERRY MAULDIN**, being in nomination.

Those who voted for **MR HARRISON**, are Messrs President, Address, Hall, King, McVay, Oliver, Reese, Rodgers, Ross, Wilson of F. and Womack of the Senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Bradley, Campbell, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mangum, Mann, Marchbanks, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Murphy, Norris, Norwood, Peterson, Prince, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives.—63.



Those who voted for Mr KANE, are Messrs Creagh, Dailey, Dent, Farrar, McConnell, Rice, Terry, Toulmin, and Wilson of J. of the senate; messrs Adrian, Blair, Bount, Clemens, Cobb, Garrett, Hill, Houston, Hughs, Jemison, Kelly, McClanahan, McCullough, Moore of marion, Perkins, Reynolds, Stone, Strode, Walker of B. and Winston of S. of the House of Representatives—29.

Those who voted for Mr MAULDIN, are messrs Alston, Clarke, Hudson, Jones, Lloyd, McAllister, Smith, Thornton, Turner, and Watrous, of the Senate; Messrs Speaker, Adams, Blackshear, Davenport, Douglass, Griffin of M. Jones, King, Mallard, Mitchell, Moores, Pynes, Spruill, Walker of L. and Williams, of the House of Representatives—25.

Mr E. S. HARRISON having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a director of the Branch of the Bank of the State of Alabama, at Mobile.

The two houses then proceeded to the election of a Commissioner for the improvement of the navigation of the Choctawhatchie river—JOHN D. COLLOWAY, alone being in nomination.

Those who voted for Mr COLLOWAY, are messrs President, Alston, Address, Clarke, Creagh, Duley, Farrar, Hudson, Hall, Jones, King, Lloyd, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, of the Senate; Messrs Speaker, Adams, Barron, Bell, Blackshear, Blair, Bount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Douglass, Flemming, Griffin of M. Griffin of S. Hall, Hall, Hughs, Hunter, Inge, Jones, Kelly, Kidd, Little, Mallard, Mann, McAlpin, McClanahan, McCullough, McGill, McMillion of J. Mitchell, Moore of mad. Moores, Norris, Norwood, Perkins, Pynes, Reynolds, Saunders, Shanks, Simmons, Smith of L. Walker of B. Wilson, Winston of DeK. and Wynn, of the House of Representatives—65.

JOHN D. HOLLOWAY having received sixty-eight votes, being the whole number given, Mr Speaker declared him duly elected a commissioner for the improvement of the navigation of the Choctawhatchie river.

The Senate then withdrew from the Hall of the House of Representatives, returned to the Senate Chamber, and Mr President took the Chair.

On motion of Mr Hudson, the Senate adjourned.

WEDNESDAY, December 30th, 1840.

The Senate met pursuant to adjournment.

Mr Rice from the committee on education, to which was referred sundry petitions from the citizens of Jackson county, relative to the sale of a portion of the sixteenth section, in township two, of range four east, reported that it is inexpedient to grant the prayer of the petitioners, and asked leave to be discharged.

On motion of Mr Wilson of J. the report was laid on the table.

Mr Rice from the same committee, to which was referred a resolution instructing them to enquire into the expediency of making final settlement with B. F. Porter, the present attorney for the University of Alabama, reported that the matters contained in the said resolution, were improperly referred to that committee; and which your committee believe is exclusively the business of the Board of Trustees. The report was concurred in by the Senate.

Mr Rice from the same committee, to whom was referred a bill to be entitled an act to amend an act to raise a school fund to aid the valueless sixteenth sections in this State, reported a substitute therefor.

Mr Rice moved to lay upon the table: the yeas and nays were demanded on the motion. Yeas 14—Nays 17.

Those who voted in the affirmative, are Messrs Buford, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Address, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, King, Oliver, Phillips, Reese, Ross, Toulmin, Turner, and Watrous.

The Senate refused to lay upon the table.

The question then recurred upon adopting the amendment reported by the committee; which was lost. Yeas 13—Nays 17.

Those who voted in the affirmative, are messrs President, Alston, Clarke, Creagh, Dailey, Dent, Hudson, Oliver, Phillips, Thornton, Toulmin, Turner, and Watrous.

Those who voted in the negative, are messrs Buford, Farrar, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Wilson of F. Wilson of J. and Womack.

On motion of Mr Buford, the bill was recommitted to the committee on education.

Mr Hall presented the petition of sundry citizens from the county of Autauga, the reading of which was dispensed with, and referred to the committee on accounts.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled:

Joint resolutions of the General Assembly of the State of Alabama in response to certain resolutions of the State of Maine in relation to the North-eastern Boundary question.

Mr Thornton introduced a bill to be entitled, an act to fix the time of the sale of sheriffs in Greene county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, the constitutional rule being further dispensed with, the bill was read a third time and passed.

Ordered, that the title of the same remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has concurred in the resolutions of the Senate proposing to go into the election of a President and six Directors for the Branch Bank at Decatur; and a President and six Directors for the Branch Bank at Huntsville: and has amended the same by striking out 'Tuesday the twenty-ninth instant' and inserting 'Wednesday the thirtieth instant at four o'clock, for the Huntsville Bank,' and by striking out Tuesday twenty-ninth instant, at four o'clock,' and inserting 'Thursday the thirty-first instant at seven o'clock,' for the Branch Bank, at Decatur.

The House has further amended said resolution by adding, also, a President and six Directors for the Bank of the State of Alabama, on Wednesday the thirtieth instant, at seven o'clock p. m.

In which the concurrence of the Senate is requested.

On motion of Mr Hudson, the message was laid upon the table.

Message from the House of Representatives by Mr Phelan.

Mr President—The House of Representatives has passed a bill, which originated in the Senate, for the relief of Andrew J. Dozier, and has amended the bill as shown and also the caption.

The House also concurred in the resolution of the Senate proposing to go into the election of a judge of the county court of Lawrence county, on Thursday the thirty-first instant, at four o'clock p. m., and has amended the same by adding also five Tennessee canal commissioners.

In which the concurrence of the Senate is requested.

The question was first taken upon concurring in the amendment made to the body of the bill; which was carried. Yeas 16—Nays 12.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Creagh, Hudson, Hall, McAllister, McConnell, Oliver, Phillips, Reese, Terry, Thornton, Toulmin, Turner, and Womack.

Those who voted in the negative are Messrs Alston, Address, Dailey, Farrar, King, McVay, Rice, Rodgers, Ross, Smith, Wilson of F. and Wilson of J.

The amendment to the caption of the bill was also concurred in by the Senate.

The question was then taken upon concurring in the amendment made to the resolution of the Senate: which was carried.

A bill to be entitled, an act to compensate Burke and Lowrey, of Talladega county, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bills of the following titles, to wit:

An act to compel executors and administrators to perfect titles to land in certain cases:

An act to alter and amend the several acts in relation to public roads in the county of Mobile:

Were each read a third time and passed.

Ordered, that the titles of the same remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

The bill to be entitled, an act requiring the judge of the county court of Marengo county, to reside at or within five miles of the courthouse, was read a third time.

Mr Buford offered the following amendment by way of engrossed ryder, to wit:

*Be it further enacted*, That the judges of the county court of Barbour county hereafter elected, shall reside within five miles of the county seat or else vacate their office; which was adopted.

The question was then taken upon the passage of the bill; which prevailed.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

On motion of Mr Dent, the message from the House of Representatives proposing to go into certain elections, was taken from the table.

The question was first taken upon the amendment made by the House to the resolution of the Senate, so far as related to the election of a President and six Directors for the Bank of the State of Alabama; which was concurred in.

The question was next taken upon concurring in the amendment made to that part of the Senate's resolution in relation to the election of a President and six Directors for the Branch Bank at Decatur, and upon disagreeing to the amendment to that part in relation to the Branch Bank, at Huntsville; which prevailed.

Message from the House of Representatives by Mr Phelan.

Mr President—The House of Representatives has disagreed to the amendments made by the Senate to the bill concerning brigade encampment drills and for other purposes.

Mr Creagh moved the indefinite postponement of the bill; which was lost. Yeas 8—Nays 21.

Those who voted in the affirmative, are messrs President, Alston, Creagh, Dailey, Dent, Hall, King, and Thornton.



Those who voted in the negative, are messrs Clarke, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Woodcock.

Mr King moved that the Senate adhere to its amendments; which was carried.

Mr Hudson moved that the Senate ask a committee of conference on the disagreement of the two Houses; which prevailed.

Messrs Hudson, Alston, and Thornton were appointed said committee on the part of the Senate.

The question was then put upon the motion of Mr Creagh made yesterday, to reconsider the vote refusing to pass the bill for the relief of Henry Tuttle, late sheriff of Walker county; which was lost.

Mr Thornton moved that when the Senate adjourn, it will adjourn until half after six o'clock this evening; which was carried.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled:

A report and joint resolutions responsive to certain resolutions of South Carolina in relation to the Georgia and Maine controversy.

On motion of Mr Hudson, the Senate adjourned.

#### EVENING SESSION, half-past 6 o'clock.

The Senate met pursuant to adjournment.

On motion of Mr Rodgers, the Senate then adjourned.

#### THURSDAY, December 31, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a document in relation to the contested election from the county of Sumter; which was referred to the committee on privileges and elections.

On motion of Mr Dent, the report of the committee on privileges and elections, together with the various documents, which have heretofore been laid upon the table, were ordered to be taken up and referred to the committee on privileges and elections.

Mr President laid before the Senate the accounts of the Directors of the Branch Bank at Montgomery, for services rendered in said Bank.

Mr Wilson presented the petition of sundry citizens of Fayette county praying to be attached to Walker county; which were referred to the committee on county boundaries.

Mr Smith from the committee on enrolled bills, reported that they have found correctly enrolled bills of the following titles, to wit:

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its several Branches:

An act to extend the time for the collection of the county, school, and road taxes in the county of Mobile, for the year 1840; and

An act to incorporate the town of Jasper, in the county of Walker:

Mr Phillips presented the petition of Henry W. Wallis and others, the reading of which was dispensed with.

On motion, it was referred to the committee on propositions and grievances.

Mr Hudson from the committee on accounts and claims, to which was referred the claim of Wm. Braly, sheriff of Tuscaloosa county, for money paid to



Peter Donaldson and Matthew Duffee for boarding juries, &c. while on the trial of State prisoners, reported the same to the Senate as not being a State charge and should not be allowed, and asked to be discharged.

In which the Senate concurred.

Mr Hudson from the same committee to which was referred the claim of William A. Austin, for twenty-eight days services as Director in travelling to and returning from the Branch of the Bank of the State of Alabama, at Huntsville, reported the same to the Senate as inexpedient and ought not to be allowed, and asked to be discharged.

In which the Senate concurred.

Mr Rice from the committee on education to which was referred a bill to be entitled, an act to amend an act, to raise a school fund to aid the valueless sixteenth sections in this State, reported the same to the Senate with the following amendment, which was adopted, to wit: strike out the second section and add the following, to wit: That all laws contravening the provisions of this act, be, and the same are hereby repealed.

On motion of Mr Rice, the bill was recommitted to the committee on education.

Mr McAllister, from the committee on Indian expenditures, to which was referred the account of David Covington, reported a bill allowing the same; which was read and ordered to lay upon the table.

Mr McVay, from the committee on propositions and grievances, to which was referred a bill to regulate the practice of dental surgery, and for other purposes, returned the same to the Senate without comment, and asked to be discharged from its further consideration. The committee were discharged, and the bill placed among the orders of the day.

Mr Alston, from the committee on internal improvement and inland navigation, to which was referred a bill to be entitled an act to declare the west prong of Choctawhatchie river a public highway, reported the same back to the Senate, with the following amendments, to wit: in the eighth line of the second section, insert the word 'of' between the words 'court' and 'law;' and in the fifteenth line of the same section, insert the article 'a' between the words 'as' and 'public;' and with the amendments recommend its passage. The amendments were concurred in by the Senate, and the bill read a second time; the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that the title remain unchanged, and that the House of Representatives be acquainted therewith.

Mr Toulmin introduced a bill to be entitled an act to provide for the authentication of the record of the circuit court of Mobile county in certain cases; which was read a first time, and the constitutional rule being dispensed with, it was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Creagh,

*Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of giving the Directors of the State Bank, the branches at Montgomery, Huntsville and Decatur, a salary of five hundred dollars; the branch at Mobile, one thousand dollars; and that no director shall receive any pay unless he serves out the time for which he is elected.

Mr Rice offered the following resolution:

*Resolved by the Senate*, That John E. Jones, who was returned as elected a member of the Senate from the senatorial district composed of the county of Sumter, and whose election was contested by James B. Tart, is duly elected a

member of this Senate, for the period of three years, commencing from the first Monday in August last.

Which, on motion of Mr Alston, was laid upon the table.

Mr Andress offered the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will adjourn, *sine die*, on Saturday, the second day of January, nineteen hundred and forty-one.

Mr Hudson moved to amend the resolution, by striking out 'second,' and inserting 'ninth;' which was carried. Yeas 19—Nays 10.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Creagh, Dent, Hudson, Hall, Jones, King, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative, are Messrs Alston, Andress, Farrar, Oliver, Phillips, Reese, Ross, Thornton, Wilson of F. and Womack.

Mr Hall offered the following resolution:

*Resolved*, That with the concurrence of the House, the two Houses will convene in the Hall of the House, this day at four o'clock, for the purpose of electing a President and six Directors of the State Bank.

Mr Hudson moved to lay the resolution upon the table; which was lost. Yeas 14—Nays 16.

Those who voted in the affirmative, are messrs Alston, Buford, Dent, Hudson, King, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles:

An act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, amended as therein shewn;

An act to fix the time of the sales by the sheriffs in Greene county;

An act to incorporate the Sylvania male and female academy, in the county of Limestone;

Which originated in the Senate.

The House has passed a bill which originated in the House to be entitled an act making appropriations for the payment of certain claims against the State; and has concurred in the amendments made by the Senate to the bill authorizing Henry Hayne to erect a toll bridge across Thompson's creek in Marshall county;

The House of Representatives has concurred in the resolution of the Senate, requesting a committee of conference on the bill to repeal that part of the military law which requires brigade encampment drills, and for other purposes; and has appointed messrs Walker of Benton, Winston of S. and Inge, a committee on the part of the House.

The House has also adopted a preamble and joint resolutions of the General Assembly in relation to the establishment of a land district in the Cherokee Nation.

The amendments made by the House to the bill to be entitled an act establishing the general ticket system in elections for Representatives in Congress from the State of Alabama, was concurred in by the Senate. Yeas 19—Nays 11.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Alston, Andress, Buford, King, McVay, Oliver, Phillips, Reese, Ross, Watrous and Womack.

A bill from the House of Representatives to be entitled an act making appropriations for the payment of claims against the State, was read the first time, and the constitutional rule being dispensed with, it was read a second time forthwith, and on motion of Mr Creagh, referred to the committee on accounts and claims.

On motion of Mr Turner,

*Resolved*, That with the consent of the House of Representatives, the two Houses will assemble in the hall of the House, on Thursday, the 31st December, at three o'clock, P. M., for the purpose of electing a President and six Directors, for the branch of the Bank of the State of Alabama, at Huntsville.

Mr Reese, from the committee on retrenchment, made the following report:

The committee on retrenchment, to which was referred a preamble and resolutions setting forth that the Senate had been in session upwards of eight weeks, at the public expense, without having done any thing that is of general interest to the people of Alabama, that a majority of the Senate had laid on the table a resolution to adjourn, *sine die*, on the seventh of January, that the said majority is not satisfied with having been in session for upwards of eight weeks, &c., and concluding with resolutions that no member of the Senate shall draw more than two dollars per day, for his services, after the fourth of January; and that if the Senate remains in session longer than the 7th of January, no member shall be entitled to draw any compensation for his services, &c., have had the same under consideration, and instructed me to report unfavorably to the adoption of the same. Your committee would respectfully suggest that they cannot concur in the premises set forth in the preamble, nor in the conclusion tendered in the resolutions. They consider the penal code which passed this body after long and painful examination, the act remodelling the chancery system of the State, the act establishing the general ticket system in our elections of members of Congress, and many others not necessary here to be recited, are all of general interest to the people of Alabama; they would, however, whilst they report against the adoption of these resolutions, out of tender regard to the consciences of those who may think themselves hard bargains to the State, earnestly recommend that no exceptions may be taken by the majority of those who are thus scrupulous, only draw for the sum at which they have estimated their services.

On motion of Mr Creagh, the report was ordered to lie upon the table. Yeas 20—Nays 9.

Those who voted in the affirmative, are messrs President, Alston, Andress, Buford, Clarke, Creagh, Dent, Farrar, Hudson, McAllister, McConnell, Oliver, Reese, Rice, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Those who voted in the negative, are messrs Hall, Jones, King, Phillips, Rodgers, Smith, Turner, Wilson of J. and Womack.

Mr Rice from the committee on education, to which was referred a bill to be entitled an act to amend an act to raise a school fund to aid the valueless sixteenth sections in this State, reported the same to the Senate with the following amendments: strike out the word "the" in the fifth line of the first section, and insert after the word "upon" in the same line, the following: "township having." At the end of the first section add the following, "pro-



vided the provisions of this act shall not apply to township four, range thirteen west, in the county of Franklin."

Mr Buford moved that the bill be referred to the committee on education, which was lost.

The amendments were adopted, the bill read a second time, and ordered to be engrossed for a third reading.

Mr Hudson from the committee on accounts and claims, to which was referred the bill to be entitled an act for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment as reported by the committee was adopted by the Senate.

Mr Hudson offered an additional section to the bill, which was adopted. The bill was then ordered to be engrossed and read a third time.

Mr Alston introduced a bill to be entitled an act to regulate the damages on bills of exchange, which was read a first time, and the constitutional rule being dispensed with, on motion of Mr Alston was referred to the committee on the judiciary.

Mr Alston from the committee on divorce and alimony, to which was referred a bill to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, reported the same back to the Senate, and asked leave to be discharged from its further consideration, which was granted. The bill was placed among the orders of the day.

Mr McConnell presented the petition of Rice Pickens and others, from Benton county, the reading of which was dispensed with, and on motion referred to the committee on county boundaries.

Mr McConnell introduced a bill to be entitled an act to repeal in part an act, entitled an act to attach a part of Benton county to Talladega county, and for other purposes, approved Dec. 23d, 1836, which was read and ordered to a second reading.

On motion of Mr Terry,

*Resolved*, with the concurrence of the House of Representatives, that the two houses assemble on Friday next, first day of January, at 7 o'clock, p. m. for the purpose of electing a State printer for the year 1841.

Mr Smith offered the following resolution:

*Resolved*, That after to-morrow, the first day of January 1841, no more new business shall be introduced into the Senate during the present session.

Mr Hudson moved to amend by adding, "except accounts and claims against the State."

Mr Wilson of J., moved to lay the resolution upon the table—which was carried.

Engrossed bill from the House of Representatives to be entitled an act to compensate Burke & Lowry of Talladega county, was read a third time and passed. Ordered, that the title remain unchanged, and that the House of Representatives be acquainted therewith.

A bill to be entitled an act to regulate the practice of dental surgery, and for other purposes, was read a second time.

Engrossed bill from the House of Representatives to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, was read a second time and ordered to a third reading.



Mr Buford introduced a bill to be entitled an act to incorporate the Irwinton fire hook and ladder company, which was read a first time, and the constitutional rule being dispensed with, it was read the second time.

On motion of Mr Creagh it was amended by striking out "one hundred" and inserting in lieu thereof "sixty." It was then ordered to be engrossed for a third reading.

Mr King moved to adjourn, which was lost.

Mr Jones moved that when the Senate adjourn, it will adjourn to meet again this evening at three o'clock, which was carried.

Mr Rice from the select committee to which was referred a bill to be entitled an act to alter the time of holding the circuit court of Morgan county, and extending the time thereof, and for other purposes, reported the same back to the Senate. The bill was placed among the orders of the day.

On motion of Mr Terry, the bill to be entitled an act to alter the time of holding the circuit court of Morgan county, and extending the time thereof; and for other purposes, was taken from among the orders of the day.

On motion of Mr Terry, the bill was then indefinitely postponed.

On motion of Mr Hudson the Senate adjourned.

#### EVENING SESSION, 3 o'clock.

The Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr Phelan :

Mr President—The House of Representatives has concurred in the resolutions of the Senate proposing to go into the election of a President and six Directors for the Branch of the Bank of the State of Alabama at Huntsville, at 3 o'clock, p. m. this day—and a President and six Directors for the Bank of the State of Alabama, at Tuscaloosa, at 4 o'clock this evening—and a President and six Directors for the Branch of the Bank of the State of Alabama, at Decatur, at 7 o'clock this evening—and a judge of the county court of Lawrence county.

I am instructed by the House of Representatives to invite the Senate into the hall of the House for the purpose of electing a President and six Directors for the Branch Bank at Huntsville.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two houses then proceeded to the election of a President and six Directors, for the Branch of the Bank of the State of Alabama, at Huntsville, a judge of the county court of Lawrence county, five Tennessee canal commissioners, and a President and six Directors for the Bank of the State of Alabama.

The two Houses first proceeded to the election of a President for the Bank at Huntsville—S. S. EWING, THO. BRANDON and WM. FLEMING, being in nomination.

Those who voted for Mr Ewing, are messrs King, Phillips and Rice, of the Senate; messrs Speaker, Ashurst, Barron, Blackshear, Blair, Bradley, Cobb, Crenshaw, Davidson, Davis of L. Dixon, Fowler, Hale, Hill, Mallard, McAlpin, McClanahan, McCoy, Mcmillion of B. Mcmillion of J. Mitchell, Moore of mad. Norris, Norwood, Peters, Peterson, Provence, Roberts, Smith of J. Smith of L. Spruill, Walker of L. Wann, and Williams, of the House of Representatives—37.

Those who voted for MR BRANDON, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Adams, Adrian, Alexander, Clemens, Davis of A. Davis of B. Griffin of m. Houston, Hughs, Jones, Kelly, King, Marchbanks, McCullough, Moore of marion, Reynolds, Russell, Saunders, Stone, Walker of B. Wilson, Winston of D. Winston of S. and Wynn, of the House of Representatives—42.

Those who voted for MR FLEMING, are messrs Address and Dent, of the Senate; messrs Bates, Bell, Blount, Davenport, Doster, Douglass, Flemming, Griffin of S. Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McGill, McLemore, Moores, Prince, Rice, Shanks, Strode and Womack, of the House of Representatives—27.

Neither having received a majority of the votes given, the two Houses proceeded to vote a second time, the name of MR FLEMING having been withdrawn.

Those who voted for MR EWING, are messrs Alston, Address, Dent, King, Oliver, Phillips, Rice, Thornton, and Womack, of the Senate; messrs Speaker, Ashurst, Barron, Bates, Bell, Blair, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Dixon, Doster, Flemming, Fowler, Griffin of S. Hale, Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of B. Mitchell, Moore of madison, Moores, Norris, Norwood, Peters, Peterson, Prince, Provence, Roberts, Shanks, Smith of J. Smith of L. Spruill, Stone, Walker of L. Wann, Williams and Womack, of the House of Representatives—63.

Those who voted for Mr BRANDON, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Douglass, Garrett, Griffin of m. Houston, Hughs, Jones, Kelly, King, Marchbanks, McCullough, McMillion of J. Moore of marion, Reynolds, Rice, Russell, Saunders, Strode, Walker of B. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—50.

Mr S. S. EWING, having received a majority of the whole number of votes given, Mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama, at Huntsville, for the ensuing twelve months.

The two Houses then proceeded to the election of six Directors, for the branch of the bank of the State of Alabama, at Huntsville—messrs JOSEPH C. BRADLEY, JAMES W. CAMP, ISHAM H. FENNELL, J. J. FLETCHER, JOHN J. FACKLER, JOHN PHELAN, JOSEPH RICE, JOHN T. WYCHE, and J. P. FRAZIER, being in nomination.

Those who voted for Mr BRADLEY, are messrs President, Alston, Address, Dent, King, Oliver, Phillips, Reese, Ross, Terry, Thornton, Turner, Watrous, and Womack, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Cobb, Crenshaw, Davenport, Doster, Garrett, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Rice, Seawell, Shanks, Smith of J. Spruill, Wann, Williams, Winston of DeK. and Winston of S. of the House of Representatives.—62.

Those who voted for **mr CAMP**, are messrs President, Andress, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Ashurst, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Hall, Hill, Hollinger, Houston, Hughes, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Murphy, Norris, Perkins, Peters, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Spruill, Stone, Strode, Walker of B. Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—90.

Those who voted for **mr FENNEL**, are messrs President, Alston, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Phillips, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hollinger, Houston, Hughes, Hunter, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives—90.

Those who voted for **mr FLETCHER**, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Alexander, Barron, Bates, Blackshear, Campbell, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Griffin of M. Hale, Houston, Hunter, Jones, Kelly, King, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCullough, Moore of mad. Moores, Peterson, Reynolds, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—61.

Those who voted for **mr FACKLER**, are messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of F. of the Senate; messrs Speaker, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blair, Blount, Bradley, Crenshaw, Davenport, Davis of L. Douglass, Fitzpatrick, Fowler, Griffin of S. Hall, Hollinger, Houston, Hughes, Hunter, Hutchinson, Inge, Jemison, Kidd, King, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Roberts, Saunders, Seawell, Shanks, Smith of L. Spruill, Strode, Walker of B. Walker of L. Wilson, Womack and Wynn, of the House of Representatives—85.



Those who voted for mr PHELAN, are messrs Clarke, Creagh, Dent, Farrar, Hall, Jones, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of S. Hale, Hill, Houston, Hughs, Hutchinson, Jones, Kelly, Kidd, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Moores, Peters, Peterson, Provence, Reynolds, Rice, Roberts, Russell, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Reps.—79.

Those who voted for mr RICE, are messrs Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, McAllister, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Bell, Blackshear, Blair, Blount, Campbell, Clemens, Cobb, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McLemore, McMillion of B. Moore of mad. Murphy, Norwood, Prince, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Stone, Walker of B. Walker of L. Wann, Williams, and Womack, of the House of Representatives—76.

Those who voted for mr WYCHE, are messrs Alston, Address, Creagh, Dent, Jones, King, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Turner, Watrous and Womack, of the Senate; messrs Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Rice, Seawell, Shanks, Smith of L. Spruill, Strode, Walker of L. Wann, Williams, Winston of S. and Womack, of the House of Representatives—72.

Those who voted for mr FRAZIER, are messrs President, Alston, Address, Clarke, Creagh, Hudson, Hall, Jones, King, McAllister, McVay, Oliver, Rice, Rodgers, Smith, Toulmin, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Blackshear, Blair, Blount, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Houston, Hughs, Jemison, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of marion, Norwood, Perkins, Peters, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—89.

Messrs JAMES W. CAMP, I. H. FENNEL, J. J. FACHLER, JOHN PHELAN, JOSEPH RICE and JOSEPH C. FRAZIER, having received a majority of the



whole number of votes given, Mr Speaker declared them duly elected, Directors for the Branch of the Bank of the State of Alabama, at Huntsville, for the ensuing twelve months.

The two houses then proceeded to the election of a Judge of the county court of Lawrence county—JOHN B. SALE and WILLIAM P. McMAHON being in nomination.

Those who voted for Mr SALE, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McCennell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Provence, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—65.

Those who voted for Mr McMAHON, are messrs Alston, Address, Dent, King, Oliver, Phillips, Ross, and Thornton, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Seawell, Shanks, Spruill, Winston of S. and Womack of the House of Representatives—51.

JOHN B. SALE, having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Judge of the County Court of Lawrence county, for the ensuing six years.

The two houses then proceeded to the election of five Tennessee Canal Commissioners—ISAAC LANE, JAMES IRWIN, THO. J. FOSTER, JOHN BOARDMAN, JAMES WEAKLEY, GEORGE SIMMONS, JOHN CUNNINGHAM, BENJAMIN INGRAM, WILLIAM RICHARDSON, JAMES M. COMMONS, being in nomination.

Those who voted for Mr BOARDMAN, are messrs President, Alston, Address, Hudson, King, Phillips, Reese, Ross, Thornton, Turner, and Watrous, of the Senate; messrs Speaker, Alexander, Ashurst, Barron, Blount, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Fitzpatrick, Fowler, Griffin of M. Hale, Hutchinson, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McCullough, McLemore, McMillion of J. Mitchell, Moore of madison, Moores, Norris, Perkins, Peters, Prince, Reynolds, Russell, Saunders, Seawell, Stone, Strode, Wann and Wilson, of the House of Representatives.—54.

Those who voted for Mr CUNNINGHAM, are messrs Clarke, Dent, Farrar, Hall, Jones, McVay, Rice, Rodgers, Smith, Terry, and Toulmin, of the Senate; messrs Alexander, Bell, Davis of A. Davis of L. Doster, Douglass, Griffin of S. Hill, McCoy, McCullough, McGill, Reynolds, Rice, Saunders, Smith of J. Smith of L. Stone, Winston of S. and Wynn, of the House of Representatives—30.

Those who voted for Mr FOSTER, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Ashurst, Barron, Bates, Bell, Blair, Blount, Campbell, Clemens, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of mad, Moores, Norris, Perkins, Peters, Prince, Rice, Roberts, Russell, Saunders,

Seawell, Smith of J. Stone, Strode Wann, Wilson, Winston of S. and Womack of the House of Representatives—81.

Those who voted for MR IRWIN, are messrs President, Alston, Address, Creagh, Hudson, King, McVay, Phillips, Reese, Rice, Ross, Thornton, Turner, Watrous, Wilson of J. of the Senate; messrs Speaker, Ashurst, Barron, Bates, Blair, Blount, Campbell, Clemens, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hall, Hill, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Norris, Peters, Prince, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Strode, and Wann, of the House of Representatives—65.

Those who voted for MR INGRAM, are messrs Clarke, Dent, Farrar, Hall, McVay, and Rodgers, of the Senate; messrs Alexander, Ashurst, Bates, Blair, Campbell, Crenshaw, Douglass, Flemming, Hale, Hutchinson, Inge, Little, Mann, McCullough, Norris, Rice, Roberts, Smith of L. and Stone, of the House of Representatives—25.

Those who voted for MR LANE, are messrs President, Alston, Address, Creagh, Hudson, King, Phillips, Reese, Rice, Ross, Watrous, and Womack, of the Senate; messrs Speaker, Campbell, Davis of B. Fitzpatrick, Fowler, Hall, Hill, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of madison, Perkins, Reynolds, Roberts, Russell, Smith of J. Strode, and Wann, of the House of Representatives—41.

Those who voted for MR ASHURST, are messrs King, Phillips, Reese, Thornton, and Watrous, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Crenshaw, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Griffin of M. Griffin of S. Hall, Hutchinson, Langdon, McAlpin, McCoy, Moores, Norris, Perkins, Peters, Prince, Seawell, Stone, and Wynn, of the House of Representatives—30.

Those who voted for MR WEAKLY, are messrs President, Address, Creagh, Hudson, Jones, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J. of the Senate; messrs Speaker, Alexander, Barron, Bates, Bell, Blair, Blount, Campbell, Clemens, Davidson, Davis of A. Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Inge, Jones, Kelly, Kidd, Mallard, McClanahan, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moore of madison, Moores, Peters, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of L. Smith of J. Strode, Wann, Wilson, Winston of S. and Wynn, of the House of Representatives—61.

Those who voted for MR COMMONS, are messrs Alston, Clarke, Creagh, Dent, Farrar, Hall, Jones, Rodgers, Smith, Terry, Toulmin, Turner, and Wilson of J. of the Senate; messrs Clemens, Walker of B. Wilson, Winston of S. and Wynn, of the House of Representatives—19.

Those who voted for MR SIMMONS, are messrs Clarke, Dent, Farrar, Hall, Jones, McVay, Smith, Terry, Toulmin, and Wilson of J. of the Senate; messrs Alexander, Bell, Blair, Clemens, Doster, Douglass, Griffin of S. Hill, McCullough, Perkins, Reynolds, Rice, Smith of L. Wilson, Winston of S. and Wynn, of the House of Representatives—26.

Messrs BOARDMAN, FOSTER, IRWIN, and WEAKLY, having received a majority of the votes given, Mr Speaker declared them duly elected Tennessee Canal Commissioners.

Neither of the others having received a majority of the votes given, the two houses proceeded to vote for one Tennessee Canal Commissioner—messrs CUNNINGHAM, LANE and RICHARDSON, being in nomination.

Those who voted for MR CUNNINGHAM, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Reese, Smith, Terry, Toulmin, and Wilson of J. of the Senate; messrs Speaker, Adrian, Alexan-

der, Ashurst, Bates, Blackshear, Blount, Cobb, Davidson, Davis of B. Dixon, Douglass, Griffin of M. Hale, Hill, Hollinger, Houston, Hughs, Inge, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McMillion of J. Moore of Marion, Peters, Prince, Rice, Saunders, Smith of J. Smith of L. Spruill, Stone, Walker of B. Walker of L. Wann, Wilson and Winston of S. of the House of Representatives—58.

Those who voted for MR LANE, are messrs Alston, Address, Oliver, Phillips, Rice, Ross, Watrous, Wilson of F. and Womack, of the Senate; messrs Adams, Bell, Blair, Bradley, Davis of B. Doster, Fowler, Griffin of S. Jones, Kidd, Langdon, Mann, McMillion of B. Mitchell, Reynolds, and Strode, of the House of Representatives—25.

Those who voted for MR RICHARDSON, are messrs Thornton and Turner of the Senate; messrs Barron, Crenshaw, Davis of L. Fitzpatrick, Hall, Hutchinson, Jemison, Moore of Madison, Norris, Perkins, and Wynn of the House of Representatives—13.

MR CUNNINGHAM having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Tennessee Canal Commissioner.

The two houses proceeded to the election of a President of the Bank of the State of Alabama—JOHN MARRAST alone being in nomination.

Those who voted for MR MARRAST, are messrs President, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Peters, Peterson, Prince, Reynolds, Rice, Roberts Saunders, Seawoll, Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—104.

MR MARRAST having received one hundred and four votes, being the whole number given, Mr Speaker declared him duly elected President of the Bank of the State of Alabama.

The two houses then proceeded to the election of six Directors for said Bank—messrs *Robert Caruthers, Wm. Clare, Lincoln Clark, James H. Dearing, James M. Dunlap, John Duffee, Peter Donaldson, James Guild, James Hogan, John Neilson, John M. Normont, John Owen, Jones M. Withers, and Joel White*, being in nomination.

Those who voted for MR CARUTHERS, are messrs Alston, Dent, King, Oliver, McConnell, Rodgers, Thornton and Watrous, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davenport, Davis of B. Doster, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of S. Hall, Hill, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McMillion of B. Mitchell, Moore of Marion, Murphy, Norwood, Perkins, Peters, Peterson, Prince, Spruill, Wann, and Womack, of the House of Representatives—48.

Those who voted for MR CLARE, are messrs President, Clarke, Creagh, Farrar, Hall, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith,



Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Campbell, Clemens, Cobb, Davis of A. Davis of L. Dixon, Eitzpatrick, Garrett, Griffin of m. Hale, Houston, Hughes, Hunter, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of mad. Moores, Norris, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. and Wynn, of the House of Representatives—67.

Those who voted for mr DEARING, are messrs President, Address, Buford, Clarke, Creagh, Farrar, Hall, McAllister, McVay, Reese, Smith, Thornton, Toulmin, Turner and Wilson of F. of the Senate; messrs Adrian, Alexander, Blackshear, Blair, Campbell, Cobb, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hill, Hollinger, Houston, Hughes, Hunter, Inge, Jones, Kelly, Kidd, King, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Prince, Reynolds, Russell, Saunders, Smith of J. Smith of L. Walker of B. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—58.

Those who voted for mr DUNLAP, are messrs Alston, Address, Buford, Dent, King, Oliver, Reese and Womack, of the Senate; Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McGill, McLemore, Mitchell, Moore of marion, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Spruill, Winston of DeK. and Wynn, of the House of Representatives—42.

Those who voted for mr DUFFEE, are messrs Creagh, McConnell, Reese, and Wilson of J. of the Senate; messrs Speaker, Fowler, McMillion of B. Smith of J. Wann and Winston of DeK. of the House of Representatives—10.

Those who voted for mr DONALDSON, are messrs Farrar, Terry, Toulmin, Watrous and Wilson of J. of the Senate; messrs Davis of B. Doster, Flemming, Garrett, Griffin of m. Griffin of S. Hale, Hill, Hutchinson, McCoy, Peters, Roberts, Smith of J. Wann, and Winston of DeK. of the House of Representatives—20.

Those who voted for mr GUILD, are messrs President, Alston, Address, Clarke, Dent, Hudson, Hall, Jones, King, McVay, Oliver, Reese, Rice, Rodgers, Ross, Terry, Toulmin, Turner, Watrous, Wilson of F. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Dixon, Douglass, Hall, Hill, Houston, Hughes, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Russell, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walker of L. Wilson and Womack, of the House of Representatives—79.

Those who voted for mr HOEAN, are messrs Alston, Address, Buford, Dent, Farrar, Hudson, King, McAllister, McConnell, McVay, Oliver, Rice, Ross, Smith, Terry, Thornton, Toulmin, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Ashurst, Barton, Bates, Bell,



Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Roberts, Seawell, Smith of J. Spruill, Stone, Strode, Walker of B. Walker of L. Wann and Womack, of the House of Representatives—80.

Those who voted for Mr NEILSON, are messrs President, Buford, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Smith, Turner and Wilson of F. of the Senate; messrs Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Dixon, Douglass, Fowler, Hale, Hill, Houston, Hughes, Kelly, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, Moore of marion, Reynolds, Rice, Russell, Saunders, Smith of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—44.

Those who voted for Mr NORMENT, are messrs Oliver, of the Senate; messrs Blount, Davis of B. Hutchinson, Mann and Moore of marion, of the House of Representatives—6.

Those who voted for Mr OWEN, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Turner, Watrous, Wilson of F. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Clemens, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughes, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—95.

Those who voted for Mr WITHERS, are messrs President, Alston, Andress, Buford, Clarke, Creagh, Hudson, Hall, Jones, McAllister, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Hale, Houston, Hughes, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of Marion, Moores, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wilson, Winston of S. Womack and Wynn, of the House of Representatives—73.

Those who voted for Mr WHITE, are messrs Alston, Andress, Buford, Dent, Hudson, King, McVay, Oliver, Rodgers, Ross, Terry, Thornton, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Douglass, Fitzpatrick,

Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutcherson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Roberts, Seawell, Spruill, Stone, Strode, Walker of B. Walker of L. Winston of S. Womack and Wynn, of the House of Representatives—72.

*Messrs Clare, Guild, Hogan, Owen, Withers and White*, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Bank of the State of Alabama.

The two houses then proceeded to the election of a President of the Branch of the Bank of the State of Alabama, at Decatur—WM. FENNELL alone being in nomination.

Those who voted for Mr FENNELL, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hughs, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Norris, Perkins, Peterson, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. and Wynn, of the House of Representatives—93.

Mr FENEELL having received ninety-three votes, being the whole number given, Mr Speaker declared him duly elected President of the Branch of the Bank of the State of Alabama, at Decatur.

The two houses then proceeded to the election of six Directors for said Bank—*Messrs Anderson Bean, — Carroll, — Glass, Thos. Lyle, — Malone, — McLaran, Isaac Wharton, and — Burlison*, being in nomination.

Those who voted for Mr BEAN, are messrs President, Alston, Address, Clarke, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of F. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moore of marion, Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—92.

Those who voted for Mr CARROLL, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Smith of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson,

Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Hale, Hall, Hollinger, Houston, Hughes, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Murphy, Prince, Reynolds, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of L. Wann, Wilson, Winston of DeK. Winston of s. and Wynn, of the House of Representatives—89.

Those who voted for mr GLASS, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adrian, Alexander, Barron, Bell, Blackshear, Blair, Bradley, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of m. Hale, Hill, Houston, Hughes, Jones, Kelly, King, Langdon, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, Moore of madison, Moore of marion, Moores, Murphy, Reynolds, Russell, Saunders, Seawell, Smith of L. Strode, Walker of B. Walker of L. Wann, Winston of s. and Wynn, of the House of Representatives—73.

Those who voted for mr LYLE, are messrs President, Alston, Address, Clarke, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of m. Hale, Hall, Hill, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Prince, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—86.

Those who voted for mr MALONE, are messrs President, Alston, Address, Clarke, Dent, Hudson, Jones, King, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of m. Hale, Hall, Hollinger, Houston, Hughes, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House Representatives—92.

Those who voted for mr McLARAN, are messrs President, Alston, Address, Clarke, Dent, Hudson, Jones, King, McConnell, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blount, Bradley, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Garrett, Griffin of m. Hall, Hill, Hollinger, Houston, Hughes, Hunter, Inge, Jemison, Kelly, King, Langdon, Little, Mallard, Mann, McClanahan, McGill, McMillion of B. Mc-

Millon of J. Mitchell, Moore of mad. Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—80.

Those who voted for Mr WHARTON, are messrs Farrar, Hall, McAllister, McVay, Reese, and Wilson of J. of the Senate; messrs Adams, Adrian, Bates, Blackshear, Blair, Blount, Bradley, Crenshaw, Davidson, Doster, Flemming, Fowler, Garrett, Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Hunter, Inge, Jernison, Jones, Langdon, Little, Mann, Marchbanks, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of marion, Moores, Norris, Paterson, Prince, Reynolds, Roberts, Russell, Smith of J. Spruill, Stone, Walker of B. Wann, Wilson, and Winston of DeK. of the House of Representatives—53.

Those who voted for Mr BURLISON, are messrs Creagh of the Senate; messrs Garrett and Hill, of the House of Representatives—3.

Messrs *Bean, Carroll, Glass, Lyle, Malone, and McLaran*, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama at Decatur.

The Senate then proceeded to the Senate Chamber. Mr President resumed the chair.

On motion of Mr Hudson, the Senate then adjourned.

FRIDAY, January 1, 1841.

The Senate met pursuant to adjournment.

Mr Hall presented the account of Alexander Sample, sheriff of Autauga county; which was referred to the committee on accounts and claims.

Mr Wilson of F. from the committee on privileges and elections, to which was referred the petition of James B. Tart, contesting the seat of John E. Jones, senator from Sumter county, reported that from the situation of the votes supposed to be sent from said county, and the list of voters which ought to have been sent with the tickets, that it would be impossible for the committee to investigate the testimony and come to any correct conclusion, and they ask to be discharged from the further consideration thereof.

On motion of Mr Hudson, the report was ordered to lie on the table.

A message from His Excellency, the Governor:

EXECUTIVE DEPARTMENT,

Tuscaloosa, December 31, 1840. }

SIR—I have the honor to lay before the Senate, the report of the trustees of the University of Alabama.

A. P. BAGBY.

Hon. J. L. F. COTTRELL.

On motion of Mr Reese, the message and accompanying report was referred to the committee on education.

Mr Rodgers from the committee on enrolled bills reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to change the name of William Tell Dean, and for other purposes:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochee river, in the town of Irwinton, Barbour county, approved December 23, 1837:



An act to form a company beat in the county of Marshall, and for other purposes:

An act to provide for election of sheriff in certain cases:

An act to organize and establish patrol laws for the county of Baldwin:

An act to incorporate the Tipton male and female academy:

An act to authorize the commissioners of township sixteen, range seventeen, in Montgomery county to erect a suitable building for an academy:

An act to divorce William Haun from his wife Catharine Haun.

Mr Hudson introduced a bill to be entitled, an act for the benefit of the tax collector of Marshall county; which was read a first time, and the constitutional rule being dispensed with, and the bill read a second time, the constitutional rule being further dispensed with, it was read a third time and passed.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives, for their concurrence.

Mr Hall introduced a bill to be entitled, an act to fix the time of holding the circuit court for the county of Sumter; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Turner presented the account of William R. Hunt, jailor of Madison county: which was referred to the committee on accounts and claims.

Mr Jones offered joint resolutions of the Senate and House of Representatives, in relation to certain notes therein named, which was read a first time, and the constitutional rule being dispensed with, they were read a second time, and ordered to be engrossed for a third reading.

Mr Jones introduced a bill to be entitled an act to amend an act for the benefit of Elizabeth Morris, approved January 9th, 1836; which was read a first time, and on motion of Mr Terry, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with, and the bill read a second time, and referred to a select committee, consisting of Messrs Terry, Jones and Phillips.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles:

An act to change the name of Ivey Boiett, and for other purposes, amended as therein shewn:

Also, an act making appropriations for the payment of the members of the General Assembly, and officers of the two Houses; which originated in the Senate.

The amendment made by the House to the bill to be entitled an act to change the name of Ivey Boiett, and for other purposes, was concurred in by the Senate. Ordered, that the House be acquainted therewith.

Mr Alston offered a bill to be entitled an act to establish an office of discount and deposit in the town of Demopolis in the county of Marengo; which Mr President decided to be out of order; the substance of the bill having been embraced in a former one, which had already received the action of the Senate, at its present session.

Mr Reese from the committee on retrenchment, to whom was referred a resolution proposing to prohibit any member from being eligible as directors of the State bank or its branches, whose liabilities exceed five thousand dollars, with leave to report by bill or otherwise, reported that it was inexpedient to legislate upon the subject; in which the Senate concurred.

Mr Wilson of J. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles:

An act to amend an act for locating the seat of justice of Washington county and for other purposes:

An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county:

An act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in Marshall county.

Mr Creagh introduced a bill to be entitled an act to take care of the Drudge Boat, and for other purposes, which was read, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr McConnell, referred to a select committee, consisting of messrs McConnell, Creagh and Oliver.

On motion of Mr Alston,

*Resolved, by the Senate,* With the concurrence of the House of Representatives, that the two Houses will go into the election of judge of the county court of Marengo county, and also, a judge of the county court of Baldwin county, two commissioners for the Choctawhatchee river, and one for the Coosa river, at four o'clock, on Saturday the 2d day of January.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress, from the State of Alabama.

Mr Toulmin presented the petition of the mayor and aldermen and common council of the city of Mobile, which on motion of Mr Toulmin, was ordered to lie upon the table.

Mr McConnell presented the minority report of the commissioners of Coosa river.

*To the honorable, the Senate and House of Representatives, of the State of Alabama, in General Assembly convened:*

The undersigned, one of the commissioners appointed by his Excellency, Governor Bagby, to fill the vacancy occasioned by the resignation of Colonel George Hill, for the improvement of the navigation of the Coosa river, asks leave to report that he knows nothing of the acts of any previous board of commissioners, but presumes that they acted strictly in accordance with their duty. It is very unpleasant to the undersigned, to disagree with the other members of the present board of commissioners, in their report to your honorable bodies; but he is constrained from a sense of imperative duty to say, that the eleven last sections spoken of by the majority of the commissioners, have not been completed in a manner satisfactory to the undersigned. He is of opinion that the work is not completed in such a manner as to secure the safe descent of Flat and Keel boats, at a low stage of water, and that it is impossible to complete the work this season in a manner satisfactory to the community. He is also of opinion, that it is very doubtful whether or not the work and plans, as at present going on, will secure at all times, a safe downward navigation. He is perfectly satisfied that an upward navigation is impracticable. He would further state to your honorable bodies, that he received his commission on the 9th day of September, and commenced the duties required of him on the next day, which duty he continued to perform until the 14th of October, at which time he was taken sick, which caused him to leave the river on the 16th, since which time, he has not been able to give the business that attention,

which would enable him to speak confidently. He states however, *confidentially*, that the present creek, Butting Ram, and some other shoals, have not been completed in a manner satisfactory to him. All of which is respectfully submitted.

JAMES LAWSON, Commissioner.

Mr McConnell moved that the report be referred to a special committee; which was carried. Messrs McConnell, Watrous and Clarke, were appointed said committee.

Mr Toulmin introduced a bill to be entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water, into said city, to be used for domestic purposes and the extinguishment of fires; which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed for a third reading.

The Senate proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit:

An act to incorporate the Irwinton Fire Hook and Ladder company:

An act to provide for the authentication of the record of the circuit court in certain cases:

An act for the payment of the directors of the bank of the State of Alabama and its several branches, for the year 1840:

Were severally read a third time and passed. Ordered, that the titles of the same remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to amend an act to raise a school fund to aid valueless sixteenth sections in this State, was read a third time, and on motion of Mr Hall, referred to a select committee, consisting of Messrs Hall, Jones and Farrar.

A bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, and for other purposes, approved 23d December, 1836, was read a second time, and on motion of Mr Clarke, referred to a select committee. Messrs Clarke, McConnell and Creagh, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Mr Toulmin presented articles of agreement between the city authorities of Mobile and Albert Sterne, which on motion of Mr Toulmin, was ordered to lie upon the table.

On motion of Mr McConnell, a bill to be entitled an act for the relief of Sarah A. Harris, was taken from the table. The bill was then read a third time and passed. Yeas 16—Nays 7.

Those who voted in the affirmative, are Messrs President, Andress, Buford, Clarke, Hall, Jones, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Ross, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Alston, Creagh, Dent, Farrar, Hudson, Terry and Toulmin.

Ordered, that its title remain unchanged, and that the House of Representatives be acquainted therewith.

Mr Hall from the select committee to whom was referred a bill to be entitled an act to amend an act to raise a school fund to aid valueless sixteenth sec-

tions in this State, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

On motion of Mr Hudson, the bill last mentioned was taken from among the orders of the day.

Mr Creagh moved its indefinite postponement, which was lost. Yeas 3—Nays 20.

Those who voted in the affirmative, are messrs Alston, Creagh and Wilson of J.

Those who voted in the negative, are messrs President, Buford, Clarke, Dent, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner and Womack.

The question then was shall the bill pass? which was put and carried. Ordered, that its title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Terry moved that when the Senate adjourn, it will adjourn to half past three o'clock, p. m. which was carried.

On motion of Mr Hudson, the Senate then adjourned.

EVENING SESSION,  $\frac{1}{2}$  past 3 o'clock.

The Senate met pursuant to adjournment.

Mr Rice moved that when the Senate adjourn, it will adjourn to half-past six o'clock, this evening; which was carried.

Mr Ross, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act to fix the times of the sales by sheriffs, in Greene county:

Also, preamble and joint resolutions of the General Assembly of the State of Alabama, in relation to the establishment of a land district, in the Cherokee nation.

Mr Wilson of J. offered a joint resolution, authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, deceased, late member of the House of Representatives from the county of Jackson, which was read a first time, and the constitutional rule being dispensed with, the resolution was read a second time, and the constitutional rule being further suspended, the resolution was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent forthwith to the House of Representatives for their concurrence.

Mr Reese introduced a bill to be entitled an act for the relief of Richard Whitney, clerk of the joint examining bank committee, which was read a first time, and the constitutional rule being dispensed with, it was read a second time.

Mr Wilson of J. moved to strike out 'ninety,' in the first section, and insert 'seventy-two;' which was carried.

Mr Reese moved further to suspend the rule; which was lost. The bill was then ordered to be engrossed for a third reading.

A message from the House of Representatives by Mr Phelan:

Mr President:—The House of Representatives has concurred in the resolution of the Senate, proposing to go into the election of a State printer this evening at seven o'clock, and has amended the same by adding two commissioners for Choctawhatchie river; in which the concurrence of the Senate is requested.



The House has passed a bill to compensate Burke and Lowry of Talladega county, which originated in the Senate.

A message from his Excellency the Governor, by his private secretary, J. D. Bagby:

JANUARY 1, 1841.

Mr President—I am instructed by his Excellency, the Governor, to inform your honorable body, that he has approved and signed a bill of the following title, which originated in the Senate, to wit:

An act to establish the general ticket system in elections for Representatives in Congress, from the State of Alabama.

On motion of Mr Phillips, the Senate then adjourned.

NIGHT SESSION, half past six o'clock.

The Senate met pursuant to adjournment.

Mr Reese asked and obtained leave of absence for Mr Dailey, the Senator from Tallapoosa county, for the balance of the session.

Mr Hudson asked and obtained leave of absence for Mr Address, the Senator from the county of Monroe, for the balance of the session.

Mr Buford introduced a bill to be entitled an act to appoint witness commissioners in the territories; which was read a first time, the rule being dispensed with, was read a second and third time, and passed the Senate. Ordered, that its title remain unchanged.

Mr Hudson, from the committee of conference on the part of the Senate, to whom was referred a bill to be entitled an act to repeal that part of the military law which requires brigade encampment drills, and for other purposes, reported that the committee being equally divided, disagree to the amendments, and recommend that the Senate insist on its amendments.

On motion of Mr Hudson, the further consideration of the report and bill, was postponed until to-morrow.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit:

An act entitled an act for the relief of Andrew J. Dozier, Cicero D. Hudson and James R. Powell:

An act to explain an act entitled an act to appoint administrators in certain cases, approved, February 5, 1840:

An act to amend an act to incorporate the Fireman's Insurance company of Mobile:

An act for the benefit of Robert Mitchell.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to attach a part of the county of Butler to the county of Conecuh:

A bill to be entitled an act to incorporate the Centenary Institute of the Alabama annual conference of the Methodist Episcopal Church in the county of Dallas:

A bill to be entitled an act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington in said county, and for other purposes:

A bill to be entitled an act to abolish and establish certain election precincts therein named.

Message from the House of Representatives, by Mr Phelan, their clerk:

Mr President—I am instructed by the House of Representatives to invite

the Senate into the Hall of the House, for the purpose of electing a State Printer and two commissioners for the Choctawhatchie river.

Whereupon the Senate repaired to the hall of the House, were seated, Mr President rose and announced the object of the meeting of the two Houses.

The two houses proceeded to the election of a State Printer—Messrs HALE & PHELAN, being in nomination.

Those who voted for messrs HALE & PHELAN, are messrs President, Buford, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Blair, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—66.

Messrs Bradley, Griffin of S. Hall, Langdon and Mitchell, of the House of Representatives, voted for Mr SLADE.

Messrs Hale & Phelan, having received a majority of the votes given, Mr Speaker declared them duly elected State Printers for the ensuing year.

The two houses then proceeded to the election of two Commissioners for the improvement of the navigation of the Choctawhatchie River—James M. Long and Benjamin Walden, being in nomination.

Those who voted for messrs LONG and WALDEN, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner and Wilson of F. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of S. Hale, Hall, Hill, Houston, Hughes, Jones, Kelly, King, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—69.

Messrs Long and Walden, having received sixty-nine votes, being the whole number given, mr Speaker declared them duly elected Commissioners for the improvement of the Choctawhatchie river.

The Senate then withdrew from the hall of the House, and returned to the Senate Chamber, and Mr President took the chair.

The Senate then adjourned.

SATURDAY, January 2, 1841.

The Senate met pursuant to adjournment.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled act to regulate practice in the courts of chancery in this State.

Mr Smith, from the same committee, reported as correctly enrolled, an act to compensate Burke & Lowrey of Talladega county.

Mr Hudson, from the committee on accounts, to whom was referred the claims of sundry individuals, reported a bill to be entitled an act making ap-

appropriations for certain claims against the State; which was read and ordered to a second reading.

Mr. Hudson, from the same committee, to whom was referred the claim of William R. Hunt, jailor of Madison county, for victualling Jefferson Dance, confined in jail of said county, one thousand and five days, amounting to four hundred and forty-two dollars, reported that the same should not be allowed, as said Dance has not yet been finally tried, and asked to be discharged from the further consideration thereof.

On motion of Mr. Hudson, the report was laid upon the table.

Mr. Reese made the following report:

The joint examining committee of the General Assembly of the State of Alabama, to whom was confided the examination of the affairs of the Bank of the State of Alabama, ask leave to report—That in the discharge of the duties assigned them, they have spared no pains, to present in a plain and simple manner, in the annexed exhibits, all the information touching the situation of our State institutions, that may be desired, either by the Legislature or the people.

In consequence of the very recent and thorough examination of the affairs of the State Bank, made by the Commissioners appointed by His Excellency, the Governor, your committee have directed the greater portion of their labors to the procurement of information touching the solvency of the debts due the different banks, and all other matters which were deemed proper and useful to disseminate among the people.

To the annexed exhibits your committee beg leave to refer, without comment, as the result of their examination. They speak for themselves in a language not to be misunderstood.

Exhibit A. contains a statement of the debt incurred by the State of Alabama for the capital stock of the banks, and the annual interest payable thereon. B. is a statement of all the debts due to the State Bank and branches (except the debts growing out of the cotton transactions with the State Bank) which are classed into good, doubtful, bad, and unknown. This statement is based on information derived from the members of the General Assembly, by an examination of the debts of their respective counties. The item of unknown debts is composed of those debts, as to the character of which the committee could get no information. Exhibit C. is a statement of the extended and unextended debts of the Bank of the State of Alabama. The committee intended making similar statements from each of the branch banks, but found it impracticable to arrive at any degree of certainty, from the documents in their possession: and time would not permit a call on the banks for the desired information. Your committee deem such statements valuable for this—that by a comparison of them with that based on the examination of members, will, it is thought, materially assist us in arriving at a more correct conclusion as to the character of the bank debts. For when a debt remains unextended under the liberal provisions of the late law, it is strong presumptive evidence, that it is bad, or at least doubtful.

It may be proper here to add, that while the committee take great pleasure in saying, that the debts were passed on by the Representatives of the different counties in the most candid and impartial manner, yet it must be conceded, that in many cases there was difficulty in arriving at a satisfactory conclusion from a want of definite knowledge as to the pecuniary condition of the debtor.

Exhibit D. shews the amount of paper offered from the respective counties therein specified, at the State Bank, ending 1st November, 1840, during the

year. The publication of such information is thought to be proper, as tending to check any disposition to partiality, that may hereafter exist on the part of the directory; and will at the same time do an impartial directory no injury whatever.

Exhibits E. F. G. H. and I. shew the condition of the several banks therein named, at the dates therein specified.

In regard to what is termed the cotton transactions, entered into by the State Bank, your committee would refer to that part of the report of the commissioners appointed by the Governor, touching that transaction, which holds the following language: 'Our attention has been particularly directed to the cotton transactions. For it will be recollected, that this Bank has been making advances on cotton for the past two years: and notwithstanding the policy, as well as the legality has been questioned, it was persevered in until the present board of directors came into office. It is difficult to imagine any cause that will ultimately be so disastrous to the institution. Whether any thing can be done to secure the interests of the bank from serious losses, with which it is threatened, or prevent the recurrence, will be for you to determine.

Our examination extends back to the commencement of these transactions. The results of our investigation are as follows:

The number of Bales advanced on is	-	-	21,624
do do received and shipped,	-	-	19,124
do do not delivered,	-	-	2,475
do do sold, as per ac't. sales received,	-	-	18,290
do do unsold or ac't. sales not received,			859
The amount advanced on 21,624 bales is,	\$1,209,416	29	
" proceeds, as per ac't. sales, of 18,290 bales, is	704,898	62	
" amount of reclamations from shippers, subject to the deductions of the nett proceeds of 859 bales, is	-	-	504,517 67

Now taking as data, the proceeds of the same number of bales, as per account sales of cotton already sold, gives a credit to the above of \$25,770 00.

The probable amount of reclamations \$478,747 67.

In view of the vast amount of reclamations as shewn, the great number of bales never delivered, the payment being almost universally resisted (without exception it is believed, in all large amounts) with the most confident hope of defeating the bank of its just dues; and many of the parties believed to be insolvent, or have taken measures to be so, as regards the bank. Taking all these things into consideration, a more ruinous and reckless administration of the affairs of the bank could not well have been devised." In conclusion, your committee feel it due to the officers of the bank to say, that they were at all times, prompt and ready to render every facility in their power, to your committee in the prosecution of their labors. All of which is respectfully submitted.

W. W. MORRIS,

MILTON McCLANAHAN,

THOS. A. WALKER, of Bepton.

*Committee on the part of the House of Reps.*

GEORGE REESE,

D. B. TURNER,

D. HALL,

*Committee on the part of the Senate.*

NOTE.—Where the sales of cotton do not amount to the sum advanced by



the bank, the amount to be refunded by the individuals who obtained the advance, is termed "reclamation."

The report having been read, Mr Reese moved that it lay upon the table, and that one thousand copies thereof be printed.

Mr McConnell called for a division of the question; which was ordered.

The question was first taken upon laying the report upon the table, and carried.

Mr Terry then moved that two thousand copies of the report be printed; upon which motion the ayes and nays were demanded, and lost. Yeas 13—Nays 10.

Those who voted in the affirmative, are Messrs Clarke, Creagh, Hall, Jones, McVay, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner and Wilson of E.

Those who voted in the negative, are Messrs President, Alston, Buford, Dent, Farrar, Hudson, McConnell, Oliver, Phillips, Rodgers, Ross, Wilson of J. and Womack.

The question then recurred upon the motion to print one thousand copies, and carried.

Mr Terry presented a communication from the Cashier of the State Bank; the reading of which was dispensed with, and referred to the committee on the State Bank.

Mr Terry, from the committee on the State Bank, to which was referred a bill to be entitled an act to regulate the interest charged by the State Bank and branches thereof, reported a substitute for said bill, and recommended its adoption.

The amendment was adopted by the Senate, and the bill read a second time. On motion of Mr Terry, the rule was dispensed with, and the bill read a third time and passed. Ordered, that the caption of the same remain as aforesaid.

Ordered, that it be sent to the House of Representatives for their concurrence.

Mr McConnell, from the committee on county boundaries, to which was referred the petition of William Cameron and others, reported a bill to be entitled an act to change the line between Talladega and Benton counties; which was read and ordered to a second reading.

Mr Thornton, from the committee on the judiciary, to which was referred a bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, reported the same back to the Senate amended as therein shewn, and recommended its passage.

The amendments were adopted by the Senate, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act making appropriations for the payment of the members of the General Assembly and officers of the two Houses:

A bill to be entitled an act to change the name of Ivey Boiett, and for other purposes.

Mr Terry, from the State Bank committee, to whom was referred the petition of the President and Directors of the Bank of Mobile, reported that it is inexpedient to grant the prayer of the petitions; in which the Senate concurred.

Mr Terry, from the State Bank committee, to which was referred a bill to be entitled an act to alter and amend the charters of the Bank of the State of Alabama and its several branches, reported the following amendments to said bill: after the word 'vaults' in the 8th line, first section, add 'or in homestead;' which was adopted. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Terry, from the committee on the State Bank, which was instructed to make out and report to the Senate, a condensed statement, showing the indebtedness of the members of the present Legislature, and also of the several President and Directors of the State Bank and its branches to said Bank and branches, shewing the amount due by each to each bank, reported the statement herewith submitted, compiled from official documents; which, on motion of Mr Terry, was ordered to lie upon the table, and one thousand copies thereof to be printed.

Mr Thornton, from the committee on the judiciary, to which was referred a bill to be entitled an act to regulate damages on bills of exchange, reported the same back to the Senate without amendment, and recommended its passage; which was placed among the orders of the day.

Mr Alston, from the committee on divorce and alimony, to whom was referred a bill to be entitled an act to divorce Gertrude Tankersly, from her husband Richard Tankersly, reported the same back to the Senate as inexpedient to be passed; which was placed among the orders of the day.

Mr Terry, from the select committee, to which was referred a bill to be entitled an act for the benefit of Elizabeth Morris, amendatory to an act, approved January, 1836, reported the same back to the Senate, and recommended its passage.

The bill went among the orders of the day.

Mr Creagh from the select committee to whom was referred the bill to be entitled, an act to take care of the drudge boat and for other purposes, reported the same back to the Senate without amendment and recommended its passage.

The bill went among the orders of the day.

Mr Dent offered a joint resolution to suspend the improvement of the Black Warrior river above the city of Tuscaloosa, during the year 1841 and for other purposes; which was read, and the constitutional rule being dispensed with, it was read the second time, and ordered to be engrossed for a third reading.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled:

A bill to alter the mode of assessing and collecting the taxes for the county of Pickens and for other purposes.

Mr Hudson offered the following resolution:

*Resolved*, That the Senate will not, after this day, receive any new business except such as may be reported by the House of Representatives, and accounts such as may have been incurred by the State, in carrying on the affairs of the government, and communications from the governor.

On motion of Mr McVay, it was laid upon the table.

The Senate then proceeded to the consideration of the orders of the day:

Engrossed bills of the following titles, to wit:

An act to fix the time of holding the circuit court for the county of Sumter:

An act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires:

An act for the relief of Richard Whitney, as clerk of the examining committee of the Bank:

Were severally read a third time and passed.

Ordered, that the titles of the same remain as aforesaid. Ordered, that they be sent to the House of Representatives for their concurrence.

Engrossed joint resolutions of the Senate and House of Representatives, in relation to certain notes therein specified, were read a third time and passed.

Ordered, that they be sent to the House of Representatives, for their concurrence.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendment made by the Senate, to declare the West Prong of the Chattahoochee river a public highway.

The House has also passed bills of the following titles, which originated in the Senate:

A bill for the benefit of the tax collectors of the county of Marshall;

A bill to provide for the authentication of the record of the circuit court of Mobile county in certain cases:

And have adopted joint resolutions to authorize the Governor to cause gold medals to be made and presented to Miss Mary McKerly and sisters:

Which originated in the Senate.

Also, a bill to provide for the payment of certain claims against the State:

And a bill to incorporate the Mobile female benevolent society:

In which the concurrence of the Senate is requested.

A bill from the House of Representatives to be entitled, an act making appropriations for the payment of certain claims against the State, was read a first time and, the constitutional rule being dispensed with, it was read a second time, and referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives to be entitled, an act to incorporate the Mobile benevolent society, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

On motion of Mr Creagh, it was referred to the committee on education.

Mr Hudson from the committee of conference, to whom was referred a bill to be entitled, an act to repeal that part of the military law, which requires brigade encampment drills and for other purposes, reported that the committee being equally divided, disagree to the amendments and recommend that the Senate insist upon their amendments.

In which the Senate concurred.

A bill to be entitled, an act to regulate the damages on bills of exchange, was read a second time.

On motion of Mr Phillips, it was indefinitely postponed. Yeas 14—Nays 9.

Those who voted in the affirmative, are Messrs President, Clarke, Farrar, Hudson, Jones, McVay, Rice, Rodgers, Ross, Smith, Toulmin, Turner, and Wilson of F.

Those who voted in the negative, are Messrs Alston, Creagh, Hall, Oliver, Reese, Terry, Thornton, Wilson of J. and Womack.

Engrossed bill from the House of Representatives to be entitled, an act to divorce Gertrude Tankersley from her husband Richard Tankersley, was read a third time, and two thirds of the senators present, not voting for its passage, it was lost. Yeas 7—Nays 15.

Those who voted in the affirmative, are Messrs Buford, Clarke, Rice, Ross, Thornton, Toulmin, and Womack.

Those who voted in the negative, are Messrs President, Alston, Creagh, Farrar, Jones, McVay, Oliver, Phillips, Reese, Rodgers, Terry, Turner, Wilson of F. and Wilson of J.

Mr Turner moved a reconsideration of the vote just taken refusing to pass the bill to be entitled, an act to divorce Gertrude Tankersley from her husband Richard Tankersley; which was carried.

The question then was 'shall the bill pass?' which was decided in the negative, two thirds of the senators present, not voting for it. Yeas 13—Nays 11.

Those who voted in the affirmative, are Messrs Buford, Farrar, Hall, McVay, Oliver, Reese, Phillips, Ross, Terry, Thornton, Toulmin, Turner, and Womack.

Those who voted in the negative, are messrs President, Alston, Clarke, Creagh, Dent, Hudson, Jones, Reese, Rodgers, Wilson of F. and Wilson of J.

Message from the House of Representatives, by Mr Phelan.

Mr President—The House of Representatives has concurred in the resolution of the Senate proposing to go into the election of judges of the counties of Baldwin and Marengo, two commissioners for the Choctawhatchee and one commissioner for Coosa river, this evening at four o'clock p. m., and has amended the same by striking out 'two commissioners for the Choctawhatchee river,' and inserting 'four commissioners for the Tombeckbee river.'

In which the concurrence of the Senate is requested.

The Senate concurred in the amendments made by the House of Representatives to their resolution proposing to go into certain elections as shown in the above message.

Message from His Excellency, the Governor.

*January 2, 1841.*

Mr President—I am instructed by His Excellency, the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act for the relief of Andrew J. Dozier, Cicero D. Hudson, and James Powell:

An act making appropriations for the payment of the members of the General Assembly, and the officers of the two Houses:

An act to change the name of Ivey Boeitt, and for other purposes: and

An act to compensate Burke and Lowrey, of Talladega county:

All of which originated in the Senate.

A bill to be entitled, an act to take care of the Drudge Boat, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act for the benefit of Elizabeth Morris, amendatory of an act approved January 9th, 1836, was read a second time.

Mr Toulmin moved to postpone the further consideration of said bill until Monday next; which was lost.

Mr Thornton offered the following amendment to the bill:

*Provided.* That if William Cleaveland, Moses Murry and other citizens of the city of Mobile, who hold any of the estate of said Wilson, by purchase from the widow of said Wilson, or through others who were purchasers from



her, shall pay within twelve months from the passage of this act, the sum of four thousand dollars to the said Elizabeth Morris, then this law shall be of no further force or effect.

Upon the adoption of which, the yeas and nays were demanded. Yeas 7 — Nays 13

Those who voted in the affirmative, are messrs Clarke, Hudson, McVay, Oliver, Thornton, Toulmin, and Womack.

Those who voted in the negative, are messrs President, Buford, Hall, Jones, Phillips, Reese, Rice, Rodgers, Ross, Terry, Turner, and Wilson of F.

The amendment was rejected; the bill was then ordered to be engrossed for a third reading.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act to declare the West Prong of the Choctawhatchee river, a public highway:

An act to incorporate the town of Eutaw, in Greene county.

Mr Cottrell introduced a bill to be entitled, an act concerning the estate of James Wilson, deceased, late an alien; which was read a first time, and the rule being dispensed with, it was read a second time.

On motion of Mr Cottrell, it was referred to a special committee, consisting of messrs Phillips, Thornton, and Jones.

Mr Clarke from the select committee to which was referred a bill to be entitled, an act to repeal an act to attach a part of Benton county to Talladega county, reported the same to the Senate without amendment, and recommended its passage. The bill went among the orders of the day.

Mr Rodgers moved that when the Senate adjourn, it will adjourn to half after three o'clock p. m.: which was carried.

On motion of Mr Rodgers the Senate adjourned.

#### AFTERNOON SESSION, 3 o'clock P. M.

The Senate met pursuant to adjournment.

Mr Reese introduced a bill to be entitled, an act to abolish brigade encampment drills in certain brigades and divisions therein named; which was read a first time: the constitutional rule being dispensed with, the bill was read a second time.

On motion of Mr Ross, the words 'and the seventh brigade,' were inserted after the word 'division' in the ninth line.

The constitutional rule being further dispensed with, the bill was read a third time and passed.

Ordered, that its title remain unchanged.

Mr King from the select committee to which was referred a bill regulating dental surgery, reported a substitute therefor, which was adopted, and was then read a second time, and ordered to be engrossed for a third reading.

Message from the House of Representatives by Mr Phelan:

Mr President—I am instructed by the House of Representatives, to invite the Senate into the Hall of the House, for the purpose of electing a judge for Marengo county, a judge for Baldwin county, a commissioner of Coosa river, and four commissioners for the Tombeckbee river.

The Senate having repaired to the Hall of the House and taken their seats,

The two Houses proceeded to the election of a judge of the county court of Marengo county, Messrs JAMES A. YOUNG, T. Y. RAMSAY and ROBERT E. CLARK, being in nomination.

Those who voted for Mr YOUNG, are Messrs Alston, Buford, Dent, King, McVay, Oliver, Phillips, Reese, Thornton, Watrous, and Womack of the senate; Messrs Ashurst, Barron, Bates, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Shanks, Spruill, Walker of L. Womack, and Young, of the House of Representatives.—52.

Those who voted for Mr RAMSEY, are messrs President, Jones, Rice, and Terry, of the senate; messrs Speaker, Houston, Mallard, Marchbanks, McClanahan, Moore of mad. Morris, and Winston of S. of the House of Representatives—12.

Those who voted for Mr CLARK, are Messrs Clarke, Creagh, Farrar, Hudson, Hall, McAllister, Rodgers, and Turner, of the Senate; Messrs Adams, Adrian, Alexander, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Hale, Hill, Hughes, Kelly, King, McCullough, McMillion of B. McMillion of J. Moore of marion, Reynolds, Russell, Saunders, Smith of J. Smith of L. Strode, Walker of B. Wann, Wilson, Winston of DeK. and Wynn, of the House of Representatives—38.

Mr YOUNG having received a majority of the votes given, Mr Speaker declared him duly elected judge of the county court of Marengo county.

The two Houses next proceeded to the election of a judge of the county court of Baldwin county, Messrs PATRICK BURNS and PETER C. BURNS, being in nomination.

Those who voted for Mr PATRICK BURNS, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Resse, Rice, Rodgers, Terry, Toulmin and Turner, of the Senate; Messrs Speaker, Adrian, Alexander, Blair, Clemens, Cobb, Dixon, Hale, Hill, Houston, Hughes, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Rice, Roberts, Russell, Saunders, Smith of J. Wann, Wilson, Winston of DeK. and Winston of S. of the House of Representatives—42.

Those who voted for Mr PETER C. BURNS, are messrs Alston, Buford, Dent, King, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; messrs Adams, Barron, Bates, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of marion, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Shanks, Smith of L. Spruill, Strode, Walker of L. Womack, Wynn and Young, of the House of Representatives—59.

Mr PETER C. BURNS, having received a majority of votes, Mr Speaker declared him duly elected judge of the county court of Baldwin county.

The two Houses next proceeded to the election of one commissioner for the Coosa river—JOHN HILL and W. R. RYAN, being in nomination.

Those who voted for HILL, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Rice, Rodgers, Ross, Terry, Toulmin, and Turner, of the Senate; Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Blair, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Hale, Hall, Hill, Houston, Hughes, Hunter, Inge, Jones, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moores, Morris, Norris, Norwood, Perkins, Peterson, Prince, Rice, Roberts, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. Womack, Wynn and Young, of the House of Representatives—80.

Those who voted for Mr RYAN, are messrs Alston, Buford, Dent, Oliver, Phillips, Thornton, Watrous and Womack, of the Senate; Griffin of S. Hollinger, Jemison, Langdon, Mann, Moore of marion, Perkins, Reynolds, and Shanks, of the House of Representatives—17.

Mr HILL having received a majority of the votes given, Mr Speaker declared him duly elected commissioner of the Coosa river.

The two houses then proceeded to the election of four commissioners for the improvement of the navigation of the Tombeckbee river.

Messrs John G. Creagh, Reuben Chamberlain, James H. Hawkins, Thos. L. Starke, B. L. Turner, Elias Thornton, John M. Cooper and Benjamin Taliaferro, being in nomination.

Those who voted for MR CREAGH, are messrs President, Alston, Buford, Clarke, Dent, Farrar, Hudson, King, McAllister, McVay, Oliver, Phillips, Rice, Ross, Toulmin and Womack, of the Senate; messrs Speaker, Alexander, Ashurst, Bates, Bradley, Campbell, Crenshaw, Davis of A. Davis of L. Doster, Fitzpatrick, Hale, Hill, Hollinger, Inge, Jamison, Langdon, Little, Mallard, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moore of marion, Norris, Perkins, Peters, Saunders, Smith of J. Smith of L. Walker of B. and Wann, of the House of Representatives—50.

Those who voted for MR CHAMBERLAIN, are messrs Buford, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McVay, Oliver, Phillips, Rice, Terry, Thornton, Toulmin, and Turner, of the Senate; messrs Alexander, Ashurst, Bates, Bradley, Campbell, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Hale, Hall, Hollinger, Inge, Jamison, Jones, Kelly, Langdon, Mallard, McAlpin, McGill, McMillion of J. Moore of mad. Moore of marion, Norris, Norwood, Perkins, Peters, Reynolds, Saunders, Shanks, Smith of L. and Winston of S. of the House of Representatives—46.

Those who voted for MR COOPER are messrs President, Alston, Farrar, King, McAllister, Oliver, Phillips, Ross, Watrous and Watrous of the Senate; Barron, Blair, Bradley, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Fitzpatrick, Griffin of S. Hale, Hall, Houston, Hunter, Inge, King, Little, Mann, Marchbanks, McAlpin, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Norris, Peters, Prince, Shanks, Smith of J. Smith of L. Walker of B. Wann, Wilson, Winston of DeK. and Womack, of the House of Representatives—50.

Those who voted for MR HAWKINS, are messrs Clarke, Dent, of the Senate; messrs Alexander, Bates, Hall, Hollinger, Langdon, Mallard, Mann, McLemore, Perkins, Prince, and Shanks, of the House of Representatives—13.

Those who voted for MR THORNTON, are messrs President, Hudson, Jones, King, McVay, Phillips, Rice, Ross, Terry, Thornton, Toulmin, Turner, Watrous and Womack of the Senate; messrs Speaker, Adrian, Ashurst, Barron, Blair, Clemens, Cobb, Davenport, Davidson, Davis of B. Davis of L. Dixon, Douglass, Hill, Houston, Hughes, Jones, King, Marchbanks, McClanahan, Mitchell, Moore of marion, Moores, Norwood, Reynolds, Saunders, Walker of B. Wilson, Winston of DeK. and Winston of S. of the House of Representatives—45.

Those who voted for MR TURNER, are messrs President, Alston, Clarke, Hudson, Jones, McAllister, McVay, Rice, Terry, Thornton, Toulmin, Turner, Watrous and Womack, of the Senate; messrs Speaker, Adrian, Barron, Blair, Campbell, Clemens, Cobb, Davidson, Dixon, Douglass, Griffin of S. Hale, Hill, Houston, Hughes, Hunter, Jamison, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, Moores, Reynolds, Saunders, Walker of B. Wilson, Winston of DeK. Winston of S. and Womack, of the House of Representatives—46.

Those who voted for MR STARK, are messrs Buford, Creagh, Dent and Terry, of the Senate; messrs Adrian, Alexander, Ashurst, Bates, Bradley, Cobb, Davenport, Davis of A. Davis of L. Doster, Fitzpatrick, Griffin of S. Hall, Hill, Hollinger, Hughes, Hunter, Inge, Jamison, Jones, Kelly, King, Langdon, Little, Mann, McGill, McLemore, McMillion of J. Moore of mad. Moore of marion, Norris, Norwood, Perkins, Peters, Prince, Shanks, Smith of J. Smith of L. Wann, Winston of DeK. and Womack, of the House of Representatives—45.

Those who voted for MR TALIAFERO, are messrs Alston, Buford, Farrar, Jones, King, McAllister, Oliver, Ross, Thornton, Turner and Watrous, of the Senate; messrs Speaker, Adrian, Barron, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Dixon, Douglass, Griffin of S. Houston, Hughes, Hunter, Jones, Kelly, Marchbanks, McAlpin, McClanahan, Mitchell, Moores, Norwood, Prince, Reynolds, Smith of J. Wann, Wilson, Winston of S. and Womack, of the House of Representatives—44.

Messrs Creagh, Chamberlain, Cooper and Turner, having received a majority of the whole number of votes given, Mr Speaker, declared them duly elected commissioners for the improvement of the navigation of the Tombeckbee river.

The Senate then withdrew from the hall of the House, and returned to the Senate Chamber, and the President resumed the Chair.

Mr President laid before the Senate the following communication, to wit:

COMPTROLLER'S OFFICE, )

January 2, 1841. }

Hon. J. L. F. COTTRELL, President of the Senate.

Sir—Pursuant to a joint resolution of the General Assembly, at its present session, requiring the Comptroller to obtain from the Secretary of War, a certified copy of the account of Hart & Bosworth and John Hart, merchants at Irwinton, Alabama, I have the honor herewith to transmit certified copies of their accounts to the Senate, which I have obtained from the War Department, as required by the said joint resolution, with a request that the same may be sent to the House of Representatives. Respectfully,

J. C. VANDYKE, Comp. Pub. Acc.

On motion of Mr Reese, the communication with the accompanying documents were referred to a select committee, consisting of messrs Reese, Dent and Phillips.

On motion of Mr Reese, the Senate then adjourned.

MONDAY, January 4, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented the account of Henry Potter; which was referred to the committee on accounts and claims.

Mr Hudson, from the committee on accounts and claims, to whom was referred a bill from the House of Representatives, to be entitled an act making appropriations for the payment of certain claims against the State, reported the same back to the Senate with sundry amendments, as therein shown, all of which were adopted. The bill was then read a second time.

Mr Hudson offered the following amendments, to wit: the following sums be and the same are hereby appropriated to pay the persons hereinafter named, to be paid out of any money in the treasury not otherwise appropriated, to wit: which was adopted.

Mr Hudson moved to suspend the constitutional rule with a view of giving the bill a third reading forthwith; which was carried.

The bill was then read a third time and passed. Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed a bill to incorporate the Irwinton fire hook and ladder company; which originated in the Senate.

Mr Rice, from the committee on education, to which was referred a bill to be entitled an act to incorporate the Mobile female benevolent society, reported the same back to the Senate and recommended its passage; which was placed among the orders of the day.

Mr Buford, one of the joint committee raised for the purpose of examining into the affair of the abstracted leaf from the check book of the State Bank, submitted a minority report upon that subject.

Mr Dent moved that the Senate do not receive the report; upon which motion the yeas and nays were demanded. The question was then put, 'shall the report be received?'



Those who voted for its reception, are messrs Buford, King, Oliver, Phillips, Ross and Watrous—6.

Those who voted against the reception, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.—17.

The report was not received.

Message from the House of Representatives by mr Phelan:

Mr President—The House of Representatives has passed a bill to be entitled an act to amend the charters of the Bank at Mobile, and the Planters and Merchants Bank of Mobile; in which the concurrence of the Senate is requested:

Engrossed bill from the House of Representatives to be entitled an act to amend the charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile, was read a first time, and on motion of mr Hall, indefinitely postponed. Yeas 15—Nays 10.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rice, Rodgers, Terry, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Buford, Dent, King, Oliver, Phillips, Ross, Thornton, Toulmin, Turner and Watrous.

Message from the House of Representatives by mr Phelan:

Mr President—The House of Representatives has adopted the following resolution:

*Resolved*, with the concurrence of the Senate, that the two Houses will adjourn *sine die*, on Saturday, the 9th inst.

On motion of mr Terry, the resolution of the House was postponed until Friday next. Yeas 13—Nays 12. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dent, Jones, McVay, Reese, Rice, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Buford, Farrar, Hudson, Hall, King, McAllister, Oliver, Phillips, Rodgers, Ross, Watrous and Wilson of F.

Message from the House of Representatives by mr Phelan:

Mr President—The House of Representatives insists on its disagreement to the amendment of the Senate to the bill to repeal that part of the military law which requires brigade encampment drills, and for other purposes.

The message was laid upon the table.

Mr Hudson, from the committee on accounts and claims, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act to provide for the payment of certain claims against the State, reported the same back to the Senate with sundry amendments, as therein shewn; which were concurred in by the Senate.

Mr Hudson offered an amendment making appropriations to sundry individuals as therein shewn; which was adopted.

Mr Turner moved further to amend by adding the following: 'to William R. Hunt, jailor of Madison county, the sum of four hundred and forty-two dollars, for victualing Jefferson Dance, in the jail of said county, eleven hundred and five days: *Provided*, the said Hunt shall give bond with two good securities, in double the amount, to the Comptroller of the State, to refund what may be collected of the said Dance, when the final termination of the suit or indictment; which was adopted.

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Newton counties, was read a second time, and on motion of Mr Cla. is, postponed until to-morrow.

Engrossed bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, was read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed joint resolutions of the Senate and House of Representatives of the State of Alabama, proposing to prohibit any further improvement on the Black Warrior river above the city of Tuscaloosa, was read a third time, and on motion of Mr Hudson, the consideration thereof was postponed until to-morrow.

Engrossed bill to be entitled an act to take care of the drudge boat, and for other purposes, was read a third time, and on motion of Mr Toulmin, the blank in the bill was ordered to be filled with 'one hundred and fifty.' The bill was then passed. Ordered, that its title remain unchanged.

Engrossed bill to be entitled an act for the benefit of Elizabeth Morris, amendatory of an act, approved, January 9, 1836, was read a third time.

Mr McConnell moved the indefinite postponement of the bill; and the yeas and nays were demanded. Yeas 7—Nays 14.

Those who voted in the affirmative, are messrs Dent, Creagh, McConnell, Oliver, Thornton, Toulmin and Wilson of J.

Those who voted in the negative, are messrs President, Clarke, Farrar, Jones, King, McVay, Phillips, Reese, Rice, Rodgers, Ross, Terry, Turner and Wilson of F.

The motion to postpone failed.

Mr Thornton offered the following amendment:

*And be it further enacted*, That the purchasers of the said estate of the said Wilson, in the city of Mobile, from the widow of the said Wilson, and those claiming under such purchases, shall pay to Elizabeth Morris, within twelve months from the passage of this act, an amount equal to one half in value, of said estate, exclusive of the improvements, to be estimated by arbitrators to be chosen by the said parties, then all the interest of the State of Alabama, whatever it may be, in and to the said estate, shall be and is hereby forever released and abandoned to the purchasers aforesaid.

Mr Cottrell moved the previous question. The question was, shall the main question be now put? which was sustained.

The question was then taken upon the passage of the bill, and the yeas and nays were demanded. Yeas 14—Nays 7.

Those who voted in the affirmative, are messrs President, Clarke, Farrar, Jones, King, McVay, Phillips, Reese, Rice, Rodgers, Ross, Terry, Turner and Wilson of F.

Those who voted in the negative, are messrs Creagh, Dent, Hudson, McConnell, Oliver, Thornton and Toulmin.

The bill passed. Ordered, that its title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act regulating the practice of dental surgery, and for other purposes, was read a third time.

Mr Terry moved to postpone the bill indefinitely, which was lost.

Mr Hudson offered the following amendment: *Provided*, the provisions of this act shall not apply to those persons legally authorized to practice medicine on the Botanic or Thompsonian system; which was lost.

Mr McVay offered the following amendment, to wit: '*Provided*, the provisions of this act shall not apply, or have force or effect in the county of Lauderdale.'

The question was then taken upon the passage of the bill, and the yeas and nays were demanded. Yeas 12—Nays 7.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Jones, King, McConnell, Oliver, Phillips, Rice, Ross and Thornton.

Those who voted in the negative, are messrs Dent, Hudson, McVay, Rogers, Terry, Toulmin and Turner.

The bill passed. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Mobile female benevolent society, was read a third time and passed. Ordered, that its title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Mr Ross asked and obtained leave of absence for Mr Womack, the Senator from Butler county, for the balance of the session.

On motion of Mr McConnell, the Senate then adjourned.

TUESDAY, January 5th, 1841.

The Senate met pursuant to adjournment.

Mr Farrar introduced a bill to be entitled an act to appoint commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes, which was read a first time, the constitutional rule being dispensed with, was read a second time. The bill was considered as engrossed, and the constitutional rule being further dispensed with, the bill was read a third time and passed. Ordered, that its title remain unchanged.

Mr Jones introduced a bill to be entitled an act for the relief of Willie D. Robbins, the tax collector of Sumter county, which was read, the constitutional rule being dispensed with, was read a second time, the constitutional rule being further dispensed with, the bill was considered as engrossed, and read a third time and passed. Ordered, that its title remain unchanged.

Mr Jones introduced a bill to be entitled an act to change the name of Wade Webb, and for other purposes, which was read a first time, and on motion, the constitutional rule was dispensed with, and the bill was read a second time, and the constitutional rule being further dispensed with, and the bill being considered as engrossed, was read a third time and passed the Senate. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Mr Dent introduced a bill to be entitled an act to authorize the Governor to have erected a State arsenal, which was read a first time. Mr Dent moved to dispense with the constitutional rule, for the purpose of giving the bill a second reading forthwith, which was lost. The bill was ordered to a second reading.

On motion of Mr Rice, the following resolution was taken from the table:

*Resolved, by the Senate, That John E. Jones who was returned as elected a member of the Senate, from the Senatorial district composed of the county of Sumter, and whose election was contested by James B. Tart, is duly elected a member of this Senate, for the period of three years, from the first Monday in August last.*

Mr Turner moved to amend the resolution, by inserting 'with the evidence before us,' to come in after the word 'elected,' which was lost.



The question then recurred upon the adoption of the resolution, and the yeas and nays were demanded. Yeas 14—Nays 4.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, Reese, Rice, Rodgers, Terry, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Dent, McVay, Ross and Thornton.

The resolution was adopted.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to incorporate the Irwinton fire-hook and ladder company.

A message from his Excellency, the Governor, by James D. Bagby, his private secretary.

EXECUTIVE DEPARTMENT,  
Tuscaloosa, January 5, 1841. }

*Gentlemen of the Senate and of the House of Representatives:*

I beg leave respectfully to impress upon your consideration the absolute necessity, in my judgment, of making an appropriation during this session of the General Assembly, for the erection of an arsenal. The public arms for several years past, have been kept in an exposed and unsafe situation; and I have finally considered it my duty to have them removed to one of the offices in the capitol. They cannot remain where they are, without great inconvenience, and considerable exposure: nor do I know of any suitable building, which can be procured upon any terms, in which they can be permanently kept. While we continue to enjoy the peace and tranquility with which we are now favored, it may not be conceived a matter of serious importance; but I consider it due to the dignity of the State, and more especially to the safety of our people, that the means of public defence should be protected by adequate provisions.

I therefore submit the subject to your consideration, not doubting that you will dispose of it in a manner conformable to your views of propriety, and with a proper regard to the best interests of our common constituents.

(Signed) A. P. BAGBY.

The message being read, was on motion of Mr Hudson, referred to the committee on the State capitol.

On motion of Mr Ross, the vote refusing to suspend the rule for the purpose of giving a bill to be entitled an act authorizing the Governor to have erected a State Arsenal a second reading, was reconsidered. The constitutional rule was then suspended, and the bill read a second time, and on motion of Mr Hudson, the bill was referred to the committee on the State capitol.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has adopted joint resolutions in relation to the public arms; in which the concurrence of the Senate is requested.

Engrossed joint resolutions from the House of Representatives, in relation to the public arms, was read a first time, and on motion of Mr Hall, ordered to lie upon the table. Yeas 12—Nays 10.

Those who voted in the affirmative, are messrs Buford, Clarke, Farrar, Hall, McAllister, Oliver, Phillips, Reese, Ross, Terry, Turner and Watrous.

Those who voted in the negative, are messrs President, Creagh, Dent, Hudson, Jones, McVay, Rice, Rodgers, Toulmin and Wilson of J.

The Senate then proceeded to the orders of the day.

The first question in order before the Senate was the reconsideration of the vote taken yesterday upon the indefinite postponement of the bill from the House of Representatives to be entitled an act to amend the charter of the Bank of Mobile and the Planters and Merchants Bank of Mobile; which prevailed.

On motion of Mr Toulmin, the constitutional rule was suspended, the bill read a second time, and on motion of Mr Toulmin, referred to a select committee. Messrs Toulmin, Terry and Turner were appointed said committee.

Engrossed bill to be entitled an act for the relief of Cynthia Anderson, was read a third time and passed. Ordered that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, approved, December 23, 1836, was read a second time, and on motion of Mr Hudson, indefinitely postponed.

A bill to be entitled an act to change the county line between Talladega and Benton counties, was read a second time, and on motion of Mr Clarke, indefinitely postponed.

Engrossed joint resolutions of the Senate and House of Representatives of the State of Alabama, proposing to prohibit any further improvement on the Black Warrior river above the city of Tuscaloosa, was read a third time and passed. Ordered, that the title of the same remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles; which originated in the Senate:

An act for the payment of the Directors of the Bank of the State of Alabama, and its several branches, for the year 1840.

An act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires:

An act to fix the time of holding the circuit court for Sumter county:

Joint resolutions of the Senate and House of Representatives in relation to certain notes therein specified:

Also, joint resolution authorizing Thomas Wilson to draw and receipt for the pay George R. Griffin, deceased, late member of the House of Representatives from the county of Jackson.

Mr Dent moved to take from the table joint resolutions from the House of Representatives in relation to the public arms.

Mr Hall moved a call of the Senate; which was lost.

The question then recurred upon Mr Dent's motion, to take from the table; which prevailed. Yeas 12—Nays 10.

Those who voted in the affirmative, are messrs President, Clarke, Cragh, Farrar, Hudson, Jones, McVay, Rice, Terry, Thornton, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Buford, Hall, McAllister, Oliver, Phillips, Reese, Ross, Turner, and Womack.

The resolutions were then ordered to a second reading.

Message from his Excellency, the Governor, by his private secretary, J. D. Bagby:

JANUARY 5, 1841.

Mr President—I am instructed by the Governor to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act to fix the time of sales by sheriffs of Greene county:

An act for the benefit of the tax collector of Marshall county:

An act to provide for the authentication of the record of the circuit court of Mobile county in certain cases.

Joint resolution of the General Assembly of the State of Alabama in relation to the establishment of a land district in the Cherokee Nation, &c.

Joint resolutions authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerly and sisters:

All of which originated in the Senate.

Mr Toulmin introduced a bill to be entitled an act to authorize the Governor to subscribe for a portion of the stock in the Planters and Merchants Bank in Mobile; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith.

Mr Wilson of F. moved to postpone the bill indefinitely.

Mr Toulmin moved to refer it to the committee on the State Bank; which was carried.

Mr Wilson of J. introduced a bill to be entitled an act to abolish and establish certain election precincts in DeKalb county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Turner moved a reconsideration of the vote of yesterday, refusing to receive the minority report of Mr Buford, from the joint investigating committee on the subject of the abstraction of a leaf from the check book.

Mr Buford moved to postpone the further consideration of the motion until to-morrow; which was lost.

The question then recurred upon the motion to reconsider the vote, and the yeas and nays were demanded. Yeas 7—Nays 16.

Those who voted in the affirmative, are messrs Hall, McAllister, Oliver, Phillips, Ross, Watrous and Wilson of J.

Those who voted in the negative, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McVay, Reese, Rice, Rodgers, Terry, Thornton, Turner and Wilson of F.

The motion to reconsider was lost.

On motion of Mr Jones the Senate then adjourned.

WEDNESDAY, January 6, 1841.

The Senate met pursuant to adjournment.

Mr President laid before the Senate certain documents in relation to the contested election from the county of Sumter; which on motion of Mr Hudson, was laid upon the table.

Mr Creagh, presented the account of William S. Taylor; which was referred to the committee on accounts and claims.

Mr McAllister, from the committee on Indian expenditures, to whom was referred so much of the Governor's message, as relates to that subject, reported a joint memorial and resolutions on that subject; which were read and adopted.

Mr Terry, from the State Bank committee, to which was referred a bill to be entitled an act to authorize the Governor to subscribe for a portion of the

stock of the Planters and Merchants Bank in Mobile, reported the same back to the Senate; which was placed among the orders of the day.

Mr Dent, from the committee on the State Capitol, to whom was referred a communication from the Governor, and a bill authorizing the Governor to build a State Arsenal, reported the same back to the Senate, and on motion of Mr Dent, the communication, together with the bill, was laid on the table.

Mr Terry, from the State Bank committee, to whom was referred a communication from the Cashier from the branch bank at Mobile, in relation to bank attorneys, reported that the several accounts paid bank attorneys, since the passage of an act allowing them a salary of one thousand dollars, was all correct, and the fees contained in said communication, was costs taxed in executions; which will be refunded to the bank by defendants.

On motion of Mr Terry, the report was laid on the table.

Mr Terry, from the same committee, to whom was referred a resolution instructing them to inquire into the propriety of giving the Directors of the State Bank, branch bank at Montgomery, Huntsville and Decatur, a salary of five hundred dollars; and no Director shall receive any pay unless he serves out the time for which he was elected, reported the same back to the Senate as inexpedient.

Mr Creagh moved to lay the report upon the table; which was lost.

The question then recurred upon concurring in the report made by the committee; which was carried.

Mr Terry, from the committee on the State Bank, to which was referred a communication from the branch bank at Decatur, in relation to bank attorneys, reported that they found nothing improper, except an item of two hundred dollars paid bank attorney for drawing deeds of trust, &c., which the committee were of opinion was one of the legitimate duties of a bank attorney; in which the Senate concurred.

Mr Toulmin, from the special committee, to which was referred a bill to be entitled an act to amend the charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile; reported the same back to the Senate amended as therein shewn.

Mr Hudson moved to lay the bill, together with the report and amendment, on the table; which was lost.

The question then recurred upon the adoption of the amendment by the committee; which prevailed.

Mr Cottrell moved to postpone the bill indefinitely; which was carried; Yeas 14—Nays 1.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Terry and Wilson of J.

Those who voted in the negative, are messrs Dent, Oliver, Ross, Thornton, Toulmin and Watrous.

Message from his Excellency, the Governor.

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, January 6, 1841. }

Sir—I have the honor to inform the Senate that Asa Parker, Esq. who was elected judge of the county court of Monroe county, declines accepting the same, and that said office is still vacant.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

The message was laid on the table.



Mr Rodgers, from the committee on enrolled bills, reported as follows: Enrolled, bills of the following titles, to wit:

An act for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840:

An act entitled an act for the promotion of the health of the city of Mobile, by the introduction of a supply of wholesome water into said city, for domestic purposes, and the extinguishment of fires:

Joint resolution authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, deceased, late a member of the House of Representatives from the county of Jackson.

Joint resolutions in relation to certain notes therein specified:

An act to fix the time of holding the circuit court of Sumter county:

An act for the relief of Sarah A. Harris:

An act to divorce Almond Saunderson from his wife Susan Saunderson:

A message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles, to wit:

An act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county:

An act to compensate Little and Hopkins for the passage and stores of sixty four volunteer soldiers:

An act to change the times of holding the circuit courts in the first judicial circuit; which originated in the Senate.

Mr Thornton from the judiciary committee, to which was referred the petition of Candace R. Carter of the county of Autauga, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, as the lateness of the session would not enable them to perfect and pass a bill for her relief; in which the Senate concurred.

Mr Dent introduced a bill to be entitled an act to secure the more speedy collection of debts against incorporated companies, which was read a first time, and the rule being dispensed with, it was read a second time, and on motion of Mr Dent, referred to a special committee, with Mr Thornton for its chairman. Messrs Dent and Reese were added to said committee.

Mr Reese offered the following resolution:

*Resolved*, That the committee on accounts and claims be instructed to inquire into the amount of postage paid by the President of the Senate, for documents relative to the contested election from the county of Sumter, and provide for the payment of the same, by bill or otherwise.

Which, on motion of Mr Hudson, was laid on the table.

On motion of Mr Creagh,

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives on Friday the 8th inst. at the hour of four o'clock, p. m. to elect a judge for the county court of Monroe county.

The Senate proceeded to the consideration of the orders of the day.

Engrossed joint resolutions from the House of Representatives in relation to the public arms, was read a second time.

Mr Hall offered the following amendment to said resolutions, to wit: *And be it further resolved*, That if the Governor should think it necessary to erect

an arsenal for the security of the public arms, that said arsenal shall be erected in the city of Wetumpka; which was lost. Yeas 10—Nays 12.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, McAllister, McConnell, Oliver, Reese, Ross and Turner.

Those who voted in the negative, are messrs Dent, Farrar, Hudson, Jones, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Watrous and Wilson of J.

Mr Creagh moved to strike out 'four,' where it occurs in said resolution before the word 'thousand,' with a view of inserting 'two.' A division of the question was called for, which was first taken on striking out, and prevailed.

Mr Dent moved to fill the blank with 'three;' which was lost. Yeas 10—Nays 12.

Those who voted in the affirmative, are Messrs Dent, Farrar, Hudson, Jones, Rice, Rodgers, Terry, Thornton and Toulmin.

Those who voted in the negative, are Messrs President, Buford, Clarke, Creagh, Hall, McAllister, McConnell, Oliver, Reese, Ross, Turner, Watrous and Wilson of J.

Mr Hudson moved to fill the blank with 'twenty-five hundred;' which was carried. Yeas 13—Nays 10.

Those who voted in the affirmative, are messrs President, Dent, Hudson, Jones, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Buford, Clarke, Creagh, Farrar, Hall, McAllister, Oliver, Reese, Ross and Watrous.

Mr Hudson then moved to strike out the word 'thousand;' which was carried.

Mr Hall offered the following amendment, to wit:

*And be it further resolved,* That if the Governor shall think it necessary to erect an arsenal for the security of the public arms, that said arsenal shall be erected in the city of Mobile; which was lost. Yeas 4—Nays 17.

Those who voted in the affirmative, are messrs Hall, McAllister, Reese and Ross.

Those who voted in the negative are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Mr Jones moved the previous question. The question was, shall the main question be now put? which was not sustained. Yeas 9—Nays 12.

Those who voted in the affirmative, are messrs Dent, Hudson, Jones, McVay, McConnell, Rice, Rodgers, Terry and Toulmin.

Those who voted in the negative, are messrs President, Buford, Clarke, Creagh, Hall, McAllister, Reese, Ross, Thornton, Turner, Watrous and Wilson of J.

Mr Hall offered the following amendment: '*Provided,* the said arsenal shall not be built or commenced until the convening of the next General Assembly; which was lost. The question was then taken on ordering the bill to a third reading, and the yeas and nays were demanded. The question was decided in the affirmative. Yeas 14—Nays 7.

Those who voted in the affirmative, are messrs President, Dent, Hudson, Farrar, Jones, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Clarke, Creagh, Hall, McAllister, Reese, Ross and Watrous.

A message from the House of Representatives, by Mr Tinsell, their principal clerk :—Mr President: The House concurs in the amendment made by the Senate to the bill for the payment of certain claims against the State.

Engrossed bill to be entitled an act to abolish and establish certain election precincts in DeKalb county, was read a third time and passed. Ordered, that its title remain unchanged, and that it be sent to the House of Representatives for its concurrence.

A bill to be entitled an act to authorize the Governor to subscribe for a portion of the stock in the Planters and Merchants Bank in Mobile, was read a second time. Mr Jones moved to postpone the bill indefinitely, and the yeas and nays were demanded. Yeas 7—Nays 14.

Those who voted in the affirmative, are messrs Clarke, Jones, McAllister, McVay, Rodgers, Terry and Wilson of J.

Those who voted in the negative, are messrs President, Creagh, Dent, Farrar, Hudson, Hall, McConnell, Reese, Rice, Ross, Thornton, Toulmin, Turner, and Watrous. The motion to postpone failed.

Mr Hudson offered the following amendment, to come in at the end of the bill, to wit: "*Provided*, that the amount withdrawn shall be divided into four equal portions or payments, one portion to be withdrawn every six months." Which was adopted.

The question then recurred upon ordering the bill to be engrossed for a third reading, which was carried in the affirmative. Yeas 12—Nays 6.

Those who voted in the affirmative, are messrs President, Bulford, Creagh, Dent, Hudson, Hall, McConnell, Reese, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative, are messrs Clarke, Farrar, Jones, McAllister, McVay, Ross, Terry, Rice and Wilson of J.

Mr Dent from the select committee to which was referred a bill entitled an act to secure the more speedy collection of debts against incorporated companies, reported the same back to the Senate and recommended the following amendment, viz: insert after the word "judgment" where it occurs last in the first section, the word "nisi;" in which the Senate concurred. The bill was then read a second time. On motion of Mr Dent, the constitutional rule was dispensed with, the bill read a third time forthwith and passed.

Ordered, that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Mr Rice introduced a bill to be entitled an act to change the time of holding the chancery court at Monroeville, in Monroe county, which was read and on motion of Mr Creagh, laid upon the table.

Mr Farrar introduced a bill to be entitled, an act to authorize the county court and commissioners of roads and revenue, to levy a special tax for the building of a court house, in the county of Jefferson, which was read a first time, the constitutional rule being dispensed with, was read a second time, and the bill being considered as engrossed, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Jones offered the following resolution:

*Resolved*, That the door-keeper be instructed to contract with some workman to put up a blind three feet high, around the lobby of the Senate chamber, and the State Treasurer is hereby instructed to pay a reasonable com-

the same, which was read a first time. The Senate refused to read the same a second reading.

Ordered, that when the Senate adjourn, it will adjourn until four o'clock, which was carried.

Mr. Jones: the Senate adjourned.

**EVENING SESSION, four o'clock.**

Ordered, that the Senate proceed to adjournment. On motion, Senate adjourned.

**THURSDAY, January 7, 1841.**

Ordered, that the Senate proceed to adjournment.

The committee on education, to whom was referred the annual report of the University of the State of Alabama, reported, and received said report so late in the session, they were unable to report matters therein disclosed; but believe they will report at examination, and especially the cost of the President's committee are induced to believe has been rather excessive in the hands of said institution; and ask leave to bring under further consideration thereof, which was granted.

The committee on enrolled bills, reported as correctly enrolled the following bills, to wit: An act entitled an act for the final settlement of claims on the counties of Jackson and Marshall, Alabama; An act entitled an act concerning the latter county: An act entitled an act for the relief of L. & Hopkins for passage and stores of sixty days for the company of Martin and Taylor's companies, from the steamer Wanderer, on board the steamer Wanderer: An act entitled an act for the relief of the State.

The committee to whom was referred the resolution of the House of Representatives, together with the report of the committee on the same subject, reported the same back to the Senate, and the same were discharged from the further consideration thereof.

Ordered, that the bill to incorporate the town of Elyton, in the county of Madison, for certain purposes, which was read a first time, and the bill was read a second time, and the rule being further extended, it was read a third time and passed.

Ordered, that the title of the same remain unchanged, and that the same be referred to the House of Representatives for their concurrence.

Ordered, that the Senate proceed to the consideration of the orders of the day.

Ordered, that the bill to amend the act of the House of Representatives, in relation to the same, be read a third time and passed.

Ordered, that the title of the same remain as aforesaid, and that the House be referred to the same for their concurrence.

Ordered, that the bill to be entitled an act to authorize the Governor to subscribe for the stock in the Planters & Merchants Bank in Mobile, was read a first time. Mr. Jones moved to refer the bill to a select committee; which was lost. The question recurred upon the passage of the bill, which was carried. YEs 18—Nays 11.

Those who voted in the affirmative, are messrs President, Creagh, Dent, Haden, McConnell, Ross, Thornton, Toulmin, Turner, and Watrous.

Those who voted in the negative, are messrs Clarke, Farrar, Hall, Jones, McVester, McVay, Reese, Rice, Rodgers, Terry, and Wilson of J.

Ordered, that the committee on enrolled bills, reported as correctly en-



rolled, a bill to be entitled an act to change the times of holding the circuit courts in the first judicial circuit.

Message from the House of Representatives, by Mr Phelan :

Mr President—The House of Representatives has concurred in the amendments made by the Senate to the bill to provide for the payment of certain claims against the State. The House has passed bills of the following titles, which originated in the Senate : An act for the relief of Cynthia Anderson. An act for the relief of Willie D. Robbins, the tax collector of Sumter county. A bill regulating punishment under the penitentiary system, amended as therein shewn. Also, bills which originated in the House of Representatives of the following titles : An act to divorce Lucy Waller from John Waller. An act changing the name of Caroline Crow and others, and making them heirs of George Pylant, of Lowndes county, and for other purposes : An act making appropriation for the payment of certain claims against the State. An act to ascertain and fix a permanent county site for the county of Covington. The House has also passed a joint memorial in relation to French spoiliations, in which the concurrence of the Senate is requested. Also, an act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes, which originated in the Senate. The amendments reported by the house, were concurred in by the Senate.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of Caroline Crow and others, and making them heirs of George Pylant, of Lowndes county, and for other purposes, was read a first time, and the rule being dispensed with, the bill was read a second time, and the constitutional rule being further dispensed with, it was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act to amend an act to ascertain and fix a permanent county site for the county of Covington, was read a first time, and the rule being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time and passed. Ordered, that the title of the same remain as aforesaid, and that the House of Representatives be informed of the same.

Engrossed joint memorial and resolutions from the House of Representatives, in relation to French spoiliations, were read.

Mr McConnell moved to amend by striking out " M. T." and inserting " A. J. Cotton." The memorial as amended was adopted by the Senate.

Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act making appropriation for the payment of certain claims against the State, was read a first time, and the constitutional rule being dispensed with, it was read a second time. On motion of Mr Hudson, it was referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Lucy Waller from John Waller, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

Mr Jones moved to refer the bill to a select committee, which was lost.

The constitutional rule was further suspended, and the bill read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

by his Excellency the Governor, by his private Secretary, J.

EXECUTIVE DEPARTMENT, }

*Tuscaloosa*, January 6th, 1841. }

I am instructed by his Excellency the Governor, to inform you that he has approved and signed bills of the following ten: An act to incorporate the Irwinton fire hook and ladder company: An act for the payment of the Directors of the Bank of the State of Alabama: Several resolutions, for the year 1840: An act for the promotion of commerce of the city of Mobile, by the introduction of a canal to conduct water into said city, to be used for domestic purposes, and the shipment of fires: Joint resolutions authorizing Thomas Wilcox to accept for the pay of George R. Griffin, late a member of the House of Representatives from the county of Jackson: An act to fix the salary of the circuit court for the county of Sumter: and Joint resolutions of the Senate and House of Representatives, in relation to certain notes of the State, which originated in the Senate.

The bill of the House of Representatives, by Mr Tunstall: Mr President of the House of Representatives has read three several times and passed several appropriations for the year, eighteen hundred and forty-one. The concurrence of the Senate is respectfully asked.

The bill of the House of Representatives making appropriations for the year eighteen hundred and forty-one, was read a first time, and as a rule being dispensed with, it was read a second time.

It was moved to amend the bill by adding to the appropriation made for the clerk of the Public Accounts, the further sum of two hundred and fifty dollars, which was lost.

It was moved to refer the bill to a special committee; which was agreed to. Messrs Cough, Hudson and Dent, were appointed said committee.

Mr Rogers, from the committee on enrolled bills, reported as correctly as he could to be entitled an act making appropriations for the payment of claims against the State.

Mr Rogers, Mr Rodgers, Mr McAllister was added to the committee on enrolled bills.

Mr Rogers made the following report:

Your select committee, to whom was referred a communication from the treasury department, covering the accounts of Hart & Bosworth and John Hart, examined the subject, and your committee find that Hart & Bosworth were paid by an act of Congress, passed July last, the sum of twelve hundred and fifteen dollars and seven cents, for blankets, powder, lead and camp equipage and articles taken by order of Gen. Irwin during the Creek Indian hostilities: and your committee find by act of this Legislature, approved, January 9, 1841, that Hart & Bosworth received the sum of one thousand and eighty dollars and seven cents, for blankets, powder, lead, camp equipage and articles taken from them by order of Gen. Irwin, for the use of the troops under his command during the late Creek Indian hostilities. Your committee have made a diligent search for the account of Hart & Bosworth, for which this Legislature paid them the sum before mentioned but have been unable to find it in any of the files; and your committee, though relying upon their recollection of the amount, which seems to have been abstracted, and the account sent in from the treasury department, have no doubt but the account paid by this Legislature, is identically the same paid by Congress at their session. Congress, by an act passed July the 21, 1837, appropriated the sum of one thousand and

ninety-three dollars and eighty-three cents, for guns, powder, lead, blankets, camp equipage and articles taken from him for the use of the troops under Gen. Irwin, during the late Creek Indian hostilities; and your committee had by an act of this Legislature, approved January 8, 1840, the sum of one thousand and ninety-three dollars and eighty-three cents, the precise amount paid said Hart, by Congress, and for guns, powder, lead, blankets and camp equipage and articles taken from him for the use of the troops under the command of General Irwin, during the late Creek Indian hostilities. Your committee, after diligent inquiry, have been unable to find this account, but believe it to be the identical account for which Hart received pay from Congress; and but for the abstraction of said account, your committee believe, upon comparing them, they would appear so; all of which is respectfully submitted.

Mr Hudson moved to recommit the communication to the same committee, with instructions to report resolutions instructing the proper officer to commence suit against the parties alluded to in said report; which was carried.

Mr Terry, from the committee on the State Bank, to which was referred the communication of the Cashier of the State Bank, in obedience to a resolution of the Senate in relation to bank attorneys, reported that the course pursued by said bank in relation to bank attorneys, is the correct one, and any deviation from it, is not only improper, but an infraction of the act allowing said attorneys one thousand dollars; in which report the Senate concurred.

Mr Hall offered the following resolution:

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, the Governor be, and he is hereby authorized to appoint a suitable person to take charge of the penitentiary, if he should think it necessary for the protection of said building.*

Which was read a first time, and the rule being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time; and on the question of its passage, the yeas and nays were demanded. Yeas 16—Nays 1.

Those who voted in the affirmative, are messrs President, Clarke, Dear, Farrar, Hudson, Hall, Jones, McAllister, Reese, Rice, Rodgers, Terry, Thornton, Toulmin and Turner.

Mr Creagh voted in the negative. The resolution passed. Ordered, that it be sent to the House of Representatives for their concurrence.

Mr Terry offered the following resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the door keepers of their respective Houses proceed to illuminate the capitol on the night of the eighth of January, 1841, in commemoration of the distinguished victory achieved by the American arms, near the city of New Orleans, on the eighth day of January, in the year of our Lord, one thousand eight hundred and fifteen.*

Which was adopted.

Mr Hudson moved that when the Senate adjourn, it will adjourn to four o'clock, this evening. On motion of Mr Hudson, the Senate then adjourned.

Evening Session, four o'clock.

The Senate met pursuant to adjournment. Mr Rice made the following report: The committee on federal relations, to which was referred a resolution of the State of Vermont in relation to the amendment of the constitution of the U. States, relative to the eligibility of the President thereof, have had the same under consideration, and have instructed me to report that inasmuch as said resolution proposes a radical change in the constitution on a subject, under

States have acted about fifty years, and in the general, having  
provisions; and whereas said resolutions came into the  
Senate at a late period of its session, therefore,  
Resolved, That inasmuch as the said subject requires mature delibera-  
tion of great interests: and whereas the Senate is now about to ad-  
dress itself to said committee be excused from any action upon said res-  
olutions, was concurred in by the Senate.

Enrolled bill from the committee on accounts and claims, to whom was re-  
ferred bill from the House of Representatives to be entitled an  
act for the payment of certain claims against the State,  
and to the Senate with sundry amendments as therein  
contained, the Senate concurred.

Amendment as an additional section to the bill, allow-  
ing the State; which was adopted.

Read a second time, the constitutional rule being dispensed  
with, a third time and passed. Ordered, that the House of  
Representatives be thereunto forthwith.

Message from the House of Representatives by Mr Phelan:

The House of Representatives has passed a bill making ap-  
propriations for the payment of claims against the State, amended as therein  
contained. Mr Hudson, the Senate concurred.

Resolved, That the bill be entitled an act for the better government of  
the State, first time. Mr Rice moved to lay the bill upon the  
table. Yeas 11—Nays 7.

Yeas 11—Nays 7. Messrs Creagh, Dent, Farrar, Hud-  
son, M. Way, Rice, Rodgers, Thornton, Toulmin and Wilson of J-  
the negative, are messrs Clarke, Hall, Reese, Ross,

to which was recommitted the report  
of the committee on the appropriations made by the last session of the  
House of Representatives, Hart & Bosworth, merchants of Irwinton, Barbour  
Alabama, reported a joint resolution of the Senate and House of Rep-  
resentatives, directing the Attorney General to take such measures, if there be  
any, which has been improperly appropriated, and paid to  
Hart & Bosworth, merchants of Irwinton, Alabama, by an act  
of Congress, approved the ninth of January, 1840; which resolution  
the constitutional rule being dispensed with, it was read  
a second time. Mr Rice offered the following amendment, to wit: 'and that  
any person guilty of that offence;' which was adopted.

The resolution was considered as engrossed, and the constitutional rule being  
dispensed with, the resolution was read a third time and passed. Or-  
dered, that the House of Representatives be thereunto forthwith.

Message from the House of Representatives by Mr Phelan—Mr President:  
The House of Representatives has passed a bill to be entitled an act to wind up  
the Courtland land office; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act to  
wind up the Courtland land office, was read a first time, the constitutional rule  
requiring bills and joint resolutions to be read on three several days was dis-  
pensed with, and the bill was read a second time. Mr Creagh moved to strike  
out the second section of the bill; which is as follows, to wit:



*'And be it further enacted, That it shall be lawful for all persons who have purchased lands, which have been or may be forfeited for non-payment, to make payment for the same at any time before the first day of February, 1842, and that it shall be the duty of the Secretary of State, on said first day of February, 1842, to offer at public sale all the lands belonging to said office, which may be forfeited or remain unsold, after having given thirty days previous notice of the sale, in three newspapers printed in North Alabama.'*

The yeas and nays being desired, *ye yeas 8 — nays 14.*

Those who voted in the affirmative, are messrs Creagh, Farrar and Hall.

Those who voted in the negative, are messrs President, Clarke, Hudson, McAllister, McVay, Reese, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner and Wilson of J. The motion to strike out the second section was lost.

The constitutional rule being further dispensed with, the bill was read a third time and passed. Mr Creagh moved to amend the caption of the bill by adding, 'and to extend the time of paying for land;' which was lost. Ordered, that the title of the bill remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

Message from the House of Representatives by mr Phelan—Mr President The House has passed a bill for the re-covering of the State Capitol, and for other purposes; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act for the recovering of the State Capitol, and for other purposes, was read a first time. Mr Hall moved to lay the bill upon the table; which was lost. Yeas 8—Nays 11.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Hall, McAllister, McConnell, Reese and Ross.

Those who voted in the negative are messrs Dent, Farrar, Hudson, McVay, Rodgers, Rice, Terry, Thornton, Toulmin, Turner and Wilson of J.

The bill was then ordered to a second reading.

On motion of mr Reese, the Senate adjourned.

FRIDAY, January 8, 1841.

The Senate met pursuant to adjournment.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit:

An act making appropriations for the payment of claims against the State.

An act to incorporate the Mobile Female Benevolent society:

An act for the relief of Cynthia Anderson:

An act entitled an act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes:

An act entitled an act for the relief of Willie D. Robbins, of Sumter county.

Mr Hall presented the account of A. Sample, sheriff of Autauga county, which was referred to the committee on accounts and claims.

Mr Creagh, from the select committee, to which was referred an engrossed bill from the House of Representatives to be entitled an act making appropriations for the year one thousand eight hundred and forty-one, reported the same back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

On motion of mr Hudson, the bill making appropriations for the year, one thousand eight hundred and forty-one, was taken from among the orders of the day. The bill was then read a second time. On motion of mr Hudson, the constitutional rule was dispensed with, and the bill was read a third time and passed. Ordered, that its title remain unchanged.

ordered, that the House of Representatives be acquainted therewith.

Mr. Terry offered a joint resolution of the General Assembly, sanctioning the issuance of specie payments by the State Bank and the several branches thereof, which was read a first time. On motion of Mr. Terry to dispense with the constitutional rule for the purpose of giving the resolution a second reading forthwith, the yeas and nays were demanded. Yeas 17—Nays 1.

Those who voted in the affirmative, are messrs President, Clarke, Dent, Farrar, Hall, McConnell, McVay, Reese, Rice, Ross, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative,

are messrs Creagh. The constitutional rule was dispensed with, and the resolution was read a second time, and on motion, the rule was further dispensed with, and the resolution was read a third time and passed the Senate by yeas and nays. Yeas 16

Nays 5.

Those who voted in the affirmative, are messrs President, Clarke, Dent, Farrar, Hall, McConnell, McVay, Reese, Rice, Ross, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative, are messrs Creagh, McAllister, Rodgers and Toulmin.

Ordered, that the title of the resolutions remain unchanged. Ordered, that the same be sent to the House of Representatives for their concurrence.

The Senate proceeded to the consideration of the orders of the day.

A resolution of the House of Representatives proposing that the two sessions of the General Assembly will adjourn, *sine die*, on Saturday the ninth of November, being the special order of the day, came up for consideration, and was read a first time.

Ordered, that the House of Representatives be acquainted therewith immediately.

A bill from the House of Representatives to be entitled an act for the better governing of the State Capitol, and for other purposes, was read a second time.

Mr. Hall moved the indefinite postponement. Mr. Reese moved to postpone the further consideration of the motion to postpone indefinitely, until to-morrow, which was decided in the affirmative. Yeas 9—Nays 11.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, McAllister, McConnell, Reese, Ross and Watrous.

Those who voted in the negative, are messrs Dent, Farrar, Hudson, McVay, Ross, Rodgers, Terry, Thornton, Toulmin, Turner and Wilson of J.

The motion to postpone till to-morrow prevailed, as it only requires one third of the members present to postpone a motion when first introduced.

Message from the House of Representatives by Mr. Phelan:

Mr. President—The House of Representatives has passed bills of the following titles, which originated in the Senate:

A bill to abolish and establish certain election precincts in DeKalb county, amended as therein shewn—the caption also amended; in which the concurrence of the Senate is requested.

A bill to incorporate a female seminary in the county of Perry, and town of Marion: A bill to change the name of Waid Webb, and for other purposes:

A bill to levy a special tax for the county of Morgan:

A bill to change the time of holding the county court of Dallas county:

A bill to authorize the Directors of the Florence Bridge company to establish rules: A bill to alter the time of holding the spring term of the circuit court in certain counties therein named:

A bill to change the time of holding the county court of Tallapoosa county:

A bill to incorporate the Greensborough Lyceum, in the town of Greensborough; which originated in the House of Representatives:

A bill to incorporate the town of Elyton, in the county of Jefferson, and for other purposes:

A bill to authorize the judge of the county court and commissioners of roads and revenue, to levy a special tax for the building of a court house in the county of Jefferson.

The House of Representatives has adopted a joint memorial to the Congress of the United States.

The House has also concurred in the resolution of the Senate requiring the door keepers of the two Houses to illuminate the Capitol on the night of the eighth instant, in commemoration of the victory achieved by the American arms, near the city of New Orleans.

Mr Toulmin offered an amendment to the amendment of the House of Representatives to the bill to abolish and establish certain election precincts in the county of DeKalb and for other purposes, by adding an additional section, and as amended, the amendments of the House concurred in.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Greensborough Lyceum, in the town of Greensborough, was read a first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed. Ordered, that the title remain unchanged.

A message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles:

An act fixing the time of election and the tenure of office of the inspectors of turpentine, bagging, rope, &c. in the city of Mobile:

An act to incorporate the Marion female association:

Also, a joint resolution, in which the concurrence of the Senate is asked.

Engrossed bill from the House of Representatives, to be entitled an act fixing the time of election and the tenure of office of the inspectors of turpentine, bagging, rope, &c. in the city of Mobile, was read a first time, the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third times, and passed forthwith. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Marion female association, was read a first time, and the constitutional rule being dispensed with, was read a second and third time and passed the Senate forthwith. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

Engrossed joint resolution from the House of Representatives:

*Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That his Excellency, the Governor shall appoint one of the penitentiary commissioners, to act as Warden to the penitentiary until the next session of the General Assembly of this State, who shall receive no other compensation than as commissioner of said penitentiary. Mr. Wilson of J. moved to lay the resolution on the table. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Farrar, Hall, Jones, Reese, Ross, Thornton, and Wilson of J.

Those who voted in the negative, are messrs President, Clarke, Orphan,

Dent, Hudson, McConnell, *McVay*, Rice, Rodgers, Terry, Toulmin, Turner and Watrous.

The motion to lay on the table was lost.

Mr Hudson moved to dispense with the constitutional rule requiring bills to be read on three several days. The yeas and nays being desired,

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dent, Hudson, McConnell, *McVay*, Rice, Rodgers, Terry, Thornton, Toulmin and Watrous.—13.

Those who voted in the negative, are messrs Farrar, Hall, Jones, Reese, Ross and Wilson of J.—6.

The motion to suspend failed. The resolution was then ordered to a second reading.

A message from his Excellency the Governor, by his private secretary:

Mr President—I am instructed by his Excellency the Governor to inform your honorable body, that he has approved and signed bills of the following tenor:

An act for the final settlement of the controversy between the counties of Jackson and Marshall touching a certain claim of the former against the latter county.

An act to compensate Little and Hopkins for passage and store of sixty-four volunteer soldiers of Captain Martin and Taylor's company from Mobile to Pensacola and Jamestown on board the Steamer Wanderer:

An act to alter the times of holding the courts in the first judicial circuit:

Mr Creagh moved to take from the table a bill to be entitled an act to change the time of holding the chancery court at Monroeville, in Monroe county; which was carried; the bill was then read the first time.

Mr Hall moved to indefinitely postpone the bill, which was lost.

Mr Creagh moved to dispense with the rule requiring bills to be read on three several days, which motion was lost: the bill was then ordered to a second reading.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed a bill in relation to the resumption of specie payments by the Bank of the State of Alabama and its several Branches and for other purposes, in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act in relation to the resumption of specie payments by the Bank of the State of Alabama and its several Branches and for other purposes, was read.

Mr Creagh moved to postpone the bill indefinitely; which was lost. Yeas 7—Nays 12.

Those who voted in the affirmative are Messrs Clarke, Creagh, McConnell, *McVay*, Rice, Terry and Toulmin.

Those who voted in the negative, are Messrs President, Buford, Dent, Farrar, Hudson, Hall, Jones, McAllister, Rodgers, Ross, Turner and Watrous.

Mr Cottrell moved to suspend the constitutional rule, which was carried; the bill was then read the second time.

Mr Cottrell moved to strike out the second section; which was carried. Yeas 9—Nays 8.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Hudson, *McVay*, Rice, Rodgers, Terry, and Toulmin.

Those who voted in the negative, are Messrs Dent, Farrar, Hall, Jones, Ross, Thornton, Watrous and Wilson of J.



Mr Creagh offered the following amendment, to wit: "Sec. 2. The President of the State Bank, and the Presidents of the Branch Banks of Montgomery, Mobile, Huntsville and Decatur, shall severally pay to any person the sum of five dollars in specie, whenever that amount of their paper shall be presented."

Mr Dent moved to postpone the bill, together with the amendment, until to-morrow.

Mr Watrous moved to postpone the further consideration of that motion until to-morrow; which was lost.

The question then recurred upon the motion of Mr Dent to postpone the bill and amendment; which was lost.

The question was then taken upon the adoption of Mr Creagh's amendment; which was lost. Yeas 7—Nays 10.

Those who voted in the affirmative, are messrs President, Creagh, Hudson, Rice, Terry Thornton, and Toulmin.

Those who voted in the negative, are messrs Buford, Clarke, Dent, Jones, Hall, McVay, Rodgers, Ross, Turner, and Watrous.

Mr Hudson moved to suspend the constitutional rule, which was lost.

The question was then on ordering the bill to a third reading, which was refused. Yeas 6—Nays 11.

Those who voted in the affirmative, are messrs President, Creagh, Dent, Hall, Jones, McAllister, McVay, Ross, Thornton, Toulmin, Turner and Watrous.

A message from his Excellency the Governor; by his private secretary, J. D. Bagoy:

JANUARY 8, 1841.

Mr President—I am instructed by his Excellency the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act making appropriations for the payment of certain claims against the State:

An act for the relief of Cynthia Anderson:

An act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes:

An act for the relief of Willie D. Robbins, the tax collector of Sumter county:

All of which originated in the Senate.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act making appropriations for the year one thousand eight hundred and forty one.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of A. Sample, late sheriff of Autauga county, for boarding guard, &c. reported the same back to the Senate as not properly authenticated, and not to be allowed: in which the Senate concurred.

Mr Terry introduced a bill to be entitled an act to authorize Lydia Harbison to adopt Elizabeth Smith as her heir at law, which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and the rule being further dispensed with, the bill was read a third time, and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hudson introduced a bill to be entitled an act to compensate J. C. Van

Dyke for clerk hire in the office of Comptroller, in the year 1840, which was read a first time. Mr Hudson moved to suspend the constitutional rule, with a view of giving the bill a second reading, which was lost. The question was then taken on ordering the bill to a second reading, which was refused.

Mr Dent moved that when the Senate adjourn, it will adjourn to four o'clock, which was carried.

On motion of Mr Hall, the Senate then adjourned.

#### EVENING SESSION, four o'clock.

The Senate met pursuant to adjournment.

Mr Ross, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles:

An act to incorporate the town of Elyton, in the county of Jefferson, and for other purposes:

An act to incorporate a female academy in the town of Marion, Perry county:

An act to change the name of Waid Webb, and for other purposes:

An act to levy a special tax for the county of Morgan:

An act to alter the time of holding the spring term of the circuit court in certain counties therein named:

An act to change the time of holding the county court of the county of Thompson:

An act to authorize the Directors of the Florence Bridge company to establish rules:

An act to change the time of holding the county court of Dallas county:

An act to authorize the judge of the county court and commissioners of roads and revenue, to lay a special tax for the purpose of building a court house in the county of Jefferson:

Also, a joint memorial to the Congress of the United States.

A message from the House of Representatives by Mr Phelan:

Mr President--I am instructed to invite the Senate into the Hall of the House, for the purpose of electing a judge of the county court of Monroe county.

When upon the Senate repaired to the hall of the House and were seated. Mr President arose and announced the object of the convention of the two houses. The two houses then proceeded to the election of a judge for the county court of Monroe county—Messrs JACOB PEARSON and RICHARD WITHERS, being in nomination.

Those who voted for Mr PEARSON, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Toulmin, Turner, and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Hill, Hughs, Jones, King, Mallard, Marchbanks, McClanahan, McMillion of B. McMillion of J. Moore of Mad. Morris, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wilson, and Wynn, of the House of Representatives—52.

Those who voted for Mr WITHERS, are messrs Dent, and Thornton, of the Senate; messrs Crenshaw, Davis of B. Doster, Hall, Inge, Jemison, Mann, McCoy, Mitchell, Moores, Norris, Perkins, Peterson, and Young, of the House of Representatives—16.

Mr PRARSON, having received a majority of all the votes given, Mr Speaker declared him duly elected judge of the county court of Monroe county, for the term prescribed by law.

The Senate then withdrew from the hall of the House to the Senate chamber: Mr President resumed the chair, and the Senate proceeded to business.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendments of the Senate to the bill making appropriations for the payment of claims against the State, except the amendment striking out the second section of said bill—the amendment striking out the appropriation made to Thomas M. Dawner, and the amendment striking out the appropriation to David S. Poor, to which amendments the House disagrees. The House of Representatives has amended the last amendment of the Senate as therein shown.

The House of Representatives has also passed bills of the following titles, which originated in the Senate: A bill concerning county court judges: A bill to compensate Jefferson Buford for sundry expresses with despatches, in relation to State service, &c.: A bill to incorporate Central Seminary, in the county of Antauga: A bill to incorporate the town of Decatur, in the county of Morgan: A bill to authorize the rescinding of a certain contract therein named: A bill concerning a certain turnpike road therein named: A bill to abolish brigade encampment drills, in certain brigades and divisions, amended as therein shewn: A bill more effectually to enforce the performance of the duties of sheriffs in certain cases: which originated in the Senate. Also, an act to amend an act entitled, an act to incorporate the town of Franklin, in the county of Macon: A bill for the relief of James N. Hayden: An act to alter and amend an act for the benefit of the settlers on the public lands. In which the concurrence of the Senate is respectfully requested.

Mr Hudson moved that the Senate insist upon its amendment made to the bill from the House of Representatives, to be entitled an act making appropriations for certain claims against the State, which was on striking out the second section: which was carried. Mr Hudson moved that the Senate recede from its amendment made to said bill, in relation to the account of Thomas M. Dawner, which was carried. Yeas 15—Nays 2.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Reese, Rice, Rodgers, Thornton, and Toulmin.

Those who voted in the negative, are messrs McVay, and Wilson of J.

Mr McConnell moved that the Senate insist upon their amendment to said bill in relation to the account of David S. Poor; which was carried.

Mr Dent moved that the Senate disagree to the amendment made by the House to said bill in relation to the appropriation made to John M. Cooper; which was carried.

On motion of Mr Reese the vote of the Senate receding from their amendment made to aforesaid bill in relation to the account of Thomas M. Dawner, was reconsidered. The question then recurred on receding from said amendment; which was carried.

Mr Wilson of Jackson moved to amend the amendment of the House to the bill entitled an act to abolish brigade encampment drills, by striking out 'nine' and inserting 'ten' in lieu thereof, where it occurs in relation to the brigades in the ninth division; which was carried. Mr Hudson moved to

strike out the proviso to said bill; which was carried. The amendments of the House as amended, were then agreed to by the Senate.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend an act for the benefit of the settlers on the public lands in the limits of the State of Alabama, approved February 5th, 1840, was read a first time, and on motion of Mr Hudson was laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to amend an act incorporating the town of Franklin, in the county of Macon, passed December 23d, 1837, was read a first time, and the constitutional rule being dispensed with, was read a second time, and the rule being suspended, it was read a third time, and passed the Senate. Order—That the title remain as aforesaid—and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act to amend an act passed James N. Hayden, was read a first time, and on motion of Mr Hudson, was indefinitely postponed.

Mr M. Auster from the committee on enrolled bills, reported as correctly enrolled bills of the following titles: An act changing the name of Caroline to others, and making them heirs of George Plyant, of Lowndes county and for other purposes: An act to amend an act entitled an act to amend and fix a permanent county site for the county of Covington: and, to give Lucy Waller from John Waller. On motion of Mr Hudson the Senate then adjourned.

SATURDAY, January 9th, 1841.

The Senate met pursuant to adjournment. Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles: An act entitled an act regulating punishment under the Penitentiary: An act entitled an act to authorize the rescinding of a certain contract: An act entitled an act to compensate Jeff. Buford for sending despatches in relation to State service to General Wellborn: An act entitled an act concerning a certain turnpike road therein named: An act to amend an act more effectually to enforce the performance of the duties of judges in certain cases: An act entitled an act concerning county court judges: An act entitled an act to incorporate Central seminary, in the county of Autauga: and An act to incorporate the town of Decatur, in the county of Morgan.

Mr Wilson of Jackson, moved a reconsideration of the vote amending the amendments of the House to the bill abolishing brigade encampments drills, and for other purposes; which motion prevailed. The proposed amendments were then withdrawn and the amendments of the House of Representatives concurred in.

Mr Dent moved a reconsideration of the vote postponing indefinitely a bill to compensate James N. Hayden; which was carried. The bill was read a second time. Mr Clarke moved to dispense with the constitutional rule, with a view of giving the bill a third reading forthwith. Upon which motion, the yeas and nays were called for. Yeas 13—Nays 4.

Those who voted in the affirmative, are messrs President, Clarke, Dent, Hudson, Hall, Jones, Reese, Rice, Rodgers, Terry, Thornton, Watrous and Wilson of J.

Those who voted in the negative, are messrs Creagh, McConnell, McVay, and Ross. The motion to suspend the rule failed: the bill was then ordered to a third reading.

Mr Terry offered the following resolution—which was unanimously adopted:

*Resolved*, That the thanks of the Senate are due to the Hon. J. L. F. CORTWELL, for the able, dignified, and impartial manner which he has discharged the complicated duties of presiding officer of this body.



Message from the House of Representatives, by Mr Phelan—Mr President: The House of Representatives has concurred in the amendment made by the Senate to the bill to abolish certain election precincts in De Kalb county, and for other purposes. The House has also concurred in the amendment made by the Senate to the joint resolution in relation to the public arms; and the joint memorial in relation to French spoils. The House has also passed a joint resolution requiring the attorney general to perform certain things therein specified, and has amended the same as therein shewn.

Mr Terry offered the following resolution—which was adopted; and communicated to the House of Representatives forthwith—*Resolved by the Senate, That the House of Representatives be requested to return a bill making appropriations for the payment of certain claims against the State.*

Mr Ross from the committee on enrolled bills, reported as correctly enrolled, An act to abolish and establish certain election precincts in De Kalb county, and for other purposes.

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives has instructed me to return the bill making appropriations for the payment of certain claims against the State.

The Senate then proceeded to the consideration of the bill just returned by the House of Representatives—The question was upon the amendments made by the Senate to the bill and disagreed to by the House, and insisted upon by the Senate. Mr Hudson moved that the Senate recede from its amendments; which was carried. The question was then taken upon the disagreement of the Senate to an amendment made by the House of Representatives to the amendment of the Senate, by making an appropriation to John M. Cooper for three thousand dollars. Mr Creagh moved that the Senate insist upon its disagreement to said amendment; upon which motion Mr McConnell desired the yeas and nays. Yeas 10—Nays 7.

Those who voted in the affirmative, are Messrs Creagh, Clarke, Dent, Hall, Hudson, Jones, McConnell, McVay, Rice and Terry.—Those who voted in the negative, are Messrs President, Farrar, Rodgers, Ross, Thornton, Watrous and Wilson of J. The motion prevailed.

Mr Ross from the committee on enrolled bills, reported as correctly enrolled: joint resolutions of the Senate and House of Representatives, requiring the attorney general to perform certain things therein specified: also, an act to abolish brigade encampment drills in certain brigades and divisions therein named..

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives recedes from its amendment to the bill making appropriations for the payment of certain claims of three thousand dollars to John M. Cooper.

On motion of Mr Hudson, *Resolved*, That the public printer be required to print for the use of this General Assembly seven thousand captions of the acts, to be furnished to the members, or sent to their respective post offices.

Message from his Excellency the Governor, by his private secretary, J. D. Bagby—Mr President: I am instructed by his Excellency the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit: An act regulating punishments under the penitentiary system: an act concerning county court judges: an act concerning a certain turnpike road therein named: an act to compensate Jefferson Buford for sending express with despatches in relation to the State service to General Wellborn: an act the more effectually to enforce the performance of the duties of sheriffs in certain cases: an act to incorporate the Central Seminary, in the county of Autauga: an act to abolish and establish certain election precincts in De Kalb county, and for other purposes: an act to abolish brigade encampment drills in certain brigades and divisions therein named: and, an act to incorporate the town of Decatur, in the county of Morgan; all of which originated in the Senate.

Mr. McVay offered the following resolution—which was adopted—Resolved, That a committee of three members of the Senate be appointed to act jointly with such committee as are or may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two houses have completed the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make to them. Messrs. McVay, Terry, and Thornton were appointed said committee on the part of the Senate.

Mr. Ross from the committee on enrolled bills, reported as correctly enrolled—An act to wind up the Courland Land Office—Joint memorial to the Congress of the United States, and joint resolutions in relation to the public arms.

Mr. Ross from the committee on enrolled bills reported as correctly enrolled—An act to incorporate the Marion Female association—An act to amend an act to incorporate the Town of Franklin, in the county of Macon, approved Dec. 28d, 1837—An act fixing the time of elections and tenure of office of inspector of Tar, Turpentine, Bagging, &c. in the city of Mobile—An act to incorporate the Greensborough Lyceum, in the town of Greensboro' and, An act making appropriations for the payment of certain claims against the State.

Message from the House of Representatives by Mr. Phelan—Mr President: The House of Representatives has concurred in the resolution of the Senate proposing to appoint a committee of the two Houses to wait on the Governor, and inform him that the two Houses have disposed of the business before them, and ready to adjourn *sine die*, and have appointed Messrs. McClanahan, Reynolds and Douglass, said committee on the part of the House.

Message from his Excellency the Governor, by his private Secretary—Mr President: I am instructed by his Excellency the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to-wit: An act to change the times of holding the county courts of Dallas county—Two joint memorials to the Congress of the United States—An act to change the name of Waid Webb and for other purposes—Joint resolution of the Senate and House of Representatives of the State of Alabama, requiring the Attorney General to perform certain things therein specified—An act to incorporate the Town of Elyton, in the county of Jefferson and for other purposes—An act to levy a special tax in the county of Morgan—An act to alter the time of holding the spring term of the circuit court in certain counties therein named—An act to change the time of holding the county court of Tallapoosa; and, An act to authorize the Directors of the Florence Bridge Company, to establish rules—all of which originated in the Senate.

Mr. McVay from the joint committee appointed on the part of the two Houses to wait on his Excellency the Governor, and inform him that their respective Houses have completed the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make to them, reported that they had performed that duty and received for answer, that he has no further communication to make.

Message from the House of Representatives by Mr. Phelan:—Mr President, I am instructed by the House of Representatives, to inform the Senate that the House of Representatives is now ready to adjourn *sine die*.

The secretary of the Senate was instructed to inform the House of Representatives that the Senate had completed all the business before them, were now ready to adjourn *sine die*, when duty was performed.

Mr. Hudson moved that the Senate do now adjourn *sine die*.

Mr. President rose and expressed his gratitude to the Senate for their promptness in voting their adjournment, and high and responsible duty of presiding officer over their deliberations, and expressed his confidence in the Senate, and the great order and harmony of feeling which had been observed during a long and laborious session, and pronounced the Session successful and happy.

J. L. F. CORTWELL, President of the Senate.

F. W. HALL, Secretary of the Senate.